

Annex B: Comparison between the Energy Retail Code (version 21) and Energy Retail Code of Practice (exposure draft)

This table summarises changes made between version 21 of the Energy Retail Code (**ERC**) and the Energy Retail Code of Practice (**ERCoP**), exposure draft. Some changes are a consequence of the commencement of the Energy Legislation Amendment (Energy Fairness) Act 2021 (**Energy Fairness Act**) and ESC (Compliance and Enforcement) Act 2021 (Compliance and Enforcement Act).

ERC clause	ERCoP clause	Description of amendment
<p>Notes: Some minor changes to terminology are not identified in this table (e.g. change from 'the code' to 'code of practice' or 'licensed retailer' to 'retailer'). Internal sub-clause numbering changes or other cross-referencing changes are also not identified as a change.</p> <p>We have made some minor changes to the draft code of practice we consulted on, following stakeholder feedback and further internal review. These include consistent references to 'small customer' as opposed to 'customer'.</p>		
1	1	This clause is in Part 1 (Preliminary) and cites the Code of Practice as the Energy Retail Code of Practice.
2	2	This clause is in Part 1 (Preliminary) and identifies the Code of Practice as coming into operation on 1 March 2022.
3	3	<p>This clause is in Part 1 (Preliminary) and contains definitions. There have been new definitions inserted and amendments made to existing terms, many to reflect provisions of the Energy Legislation Amendment (Energy Fairness) Act 2021.</p> <p>Additions:</p> <ul style="list-style-type: none">• access request notice (definition inserted to implement changes arising from the Energy Fairness Act)• agreed damages term (previously not defined)• bill benchmarking information (previously not defined)

ERC clause	ERCoP clause	Description of amendment
------------	--------------	--------------------------

- customer read estimate (previously defined in substantive clause but not in definitions clause)
- deemed contract (previously defined in substantive clause, but not in definitions clause)
- deemed exempt person (definition inserted to implement changes arising from the Energy Fairness Act)
- dual fuel contract (previously defined in substantive clause, not in definitions clause)
- Electricity Customer Transfer Code (previously not defined)
- Electricity Metering Code (previously not defined)
- electronic message (consequence of update to definition of e-marketing activity)
- exempt electricity seller (definition inserted to implement changes arising from the Energy Fairness Act)
- in-home display (previously undefined)
- life support customer (definition inserted to implement changes arising from the Energy Fairness Act)
- life support customer details (definition inserted to implement changes arising from the Energy Fairness Act)
- life support protections (definition required to implement changes arising from the Energy Fairness Act)
- life support resident (definition inserted to implement changes arising from the Energy Fairness Act)
- NMI (consequence of new definition, off-market customer)
- off-market customer (consequence of new clause 28A)
- owners representative (consequence of new clause 28A)
- protected period (previously defined in substantive clause but not in definitions clause)
- register of life support customers and residents (definition inserted to implement changes arising from the Energy Fairness Act)
- reminder notice period (inserted for clarity)
- required information (previously defined in substantive clause but not in definitions clause)
- small business customer (definition inserted to implement changes arising from the Energy Fairness Act)
- tailored assistance (cross references to clause 125)
- termination notice (definition inserted to implement changes arising from the Energy Fairness Act)
- utility relief grant (previously not defined).

Amendments:

- acceptable identification (note inserted to reflect provisions in the Energy Fairness Act)
- carry over customer (note inserted to reflect definition in the Energy Fairness Act)
- deregister (reflects process established in the Energy Fairness Act)
- deregistration notice (reflects process established in the Energy Fairness Act)
- distribution warning notice (cross references to existing definition, now at clause 181)
- distribution warning period (cross references to definition at clause 181)
- distribution zone (definition inserted for clarity)
- Electricity Customer Transfer Code (inserted for clarity)
- Electricity Distribution Code (amended to it is now a code of practice)
- Electricity Customer Transfer Code (inserted for clarity)
- Electricity Metering Code (inserted for clarity)
- e-marketing activity (updated to reference Spam Act 2003 (Cth))
- Gas Distribution System Code (amended to reflect it is now a code of practice)
- In-home display, definition amended to clarify it means a device located in a residential customer's premises.
- life support equipment (amended to reflect definition in the Energy Fairness Act; amends note)
- move-in customer (note inserted to reflected definition in the Energy Fairness Act)
- relevant customer (amended to reflect the term corresponds to the meaning as in applicable parts of legislation)
- small customer (amended to capture all persons supplied electricity by an exempt distributor, including those who purchase from an exempt person or licensed retailer)
- standard retail contract (to include reference to Victorian default offer, for consistency)
- standing offer (now has same meaning as 'licensee standing offer' in section 3 of the Gas Industry Act)
- supply and sale contract (reflects provisions in the Energy Fairness Act)
- Victorian default offer (note inserted under definition to clarify that it is a standing offer within the meaning of the Electricity

ERC clause	ERCoP clause	Description of amendment
		<p>Industry Act).</p> <p>Deletions:</p> <ul style="list-style-type: none"> • business customer (removed to avoid duplication with 'small business customer' definition) • coronavirus obligation end date (no longer required) • coronavirus obligation period (no longer required) • meter type (no longer required) • NEM Representative (not used) • protected period (no longer used in Energy Retail Code of Practice, term defined in the Energy Fairness Act) • Price and Product Information Statement (was only used in Schedule 5, which has been removed) • small retail customer (not used) • specified retailer (not used).
3A	4	This clause is in Part 1 (Preliminary) and identifies that savings and transitional provisions are located in a schedule. No change.
3B	5	<p>This clause is in Part 1 (Preliminary) and sets out the purpose and application of the code of practice. It identifies the code of practice is made under section 47(1) of the Essential Services Commission Act 2001. Subclause (5) now identifies that the Code of Practice applies for the purpose of Division 5C of Part 2 of the Electricity Industry Act and Division 4AA of Part 3 of the Gas Industry Act.</p> <p>Change: Removal of clauses 3B(3), (4) and (5), these clauses originally designated parts of the code as 'guidelines' and other parts of the code as 'terms and conditions' pertaining to different statutory heads of power. These subclauses are no longer required as the whole of the code of practice will be made under Part 6 of the ESC Act (as amended).</p>
--	6	New in Part 2 (Retailers' general obligations) and provides a simplified outline of the part's contents.

ERC clause	ERCoP clause	Description of amendment
3C	7	<p>This clause is in Part 2 (Retailers' general obligations) and defines explicit informed consent.</p> <p>Change: As originally drafted this clause applied to exempt persons in a limited number of categories (VD1, VD2, VD7, VR1, VR2, VR3 and VR4). However, clause 9 of the General Exemption Order imposes an obligation on all exempt persons to obtain the explicit informed consent of a customer so the clause has been amended to apply to all exempt persons.</p> <p>A note has been included in the clause cross-referencing the various clauses that impose a requirement to obtain explicit informed consent.</p>
3D	8	<p>This clause is in Part 2 (Retailers' general obligations) and contains the record keeping requirements of explicit informed consent.</p> <p>Change: The application of this clause has been extended to all exempt persons for consistency with clause 8.</p>
3E	9	<p>This clause is in Part 2 (Retailers' general obligations) and provides that certain transactions are void if explicit informed consent is not obtained. No change.</p>
3F	10	<p>This clause sets out how notices and other documents may be served on a person.</p> <p>Change: references to 'facsimile' removed.</p>
3G	11	<p>This clause is in Part 2 (Retailers' general obligations) and provides that pricing must be inclusive of GST. No change.</p>
NA	17	<p>New clause is in Part 3 (Customer retail contracts) and provides a simplified outline of the part's contents.</p>
12	18	<p>This clause is in Part 3 (Customer retail contracts) and identifies the model terms and conditions for a standard retail contract. No change.</p>

ERC clause	ERCoP clause	Description of amendment
13	19	This clause is in Part 3 (Customer retail contracts) and identifies when provisions of the code apply to standard retail contracts. Change: Addition of subclause 2(b) which identifies how provisions of the code apply to standard retail contracts.
14	20	This clause is in Part 3 (Customer retail contracts) and identifies that terms and conditions of a market retail contract are as agreed between retailer and customer, except as provide by the Code. No change.
15	21	This clause is in Part 3 (Customer retail contracts) and sets out what it means if a clause of the code provides that a provision of the Code applies in relation to market retail contracts. No change.
NA	22	New clause in Part 4 (Retailers' pre-contract and marketing obligations) and provides an objective to the Part.
NA	23	New clause in Part 4 (Retailers' pre-contract and marketing obligations) and provides and provides a simplified outline of the part's contents.
15A	24	This clause is in Division 1 (Victorian default offer tariffs for electricity and standing offer tariffs for gas), Part 4 (Retailers' pre-contract and marketing obligations) and deals with the internet publication of Victorian default offer and standing offer tariffs for gas. Change: The reference to Schedule 4 (which previously set out a table in which standing offers had to be published) has been deleted (and that entire Schedule deleted). It has been clarified that what must be published on a retailer's internet site are the energy fact sheets. A note has been included to specify that Victorian Energy Compare is the nominated website by the Minister.
NA	25	New clause in Division 2 (Pre-contractual procedures and obligation to supply) Part 4 (Retailers' pre-contract and marketing obligations) and provides an objective for Division 2 (Pre-contractual procedures and obligation to supply).

ERC clause	ERCoP clause	Description of amendment
16	26	<p>This clause is in Division 2 (Pre-contractual procedures and obligation to supply) Part 4 (Retailer's pre-contract and marketing obligations) and identifies the pre-contractual duty of retailers.</p> <p>Change: Current clauses 16(6) and (7) have been deleted – they purport to designate clause 16 as a minimum term and condition of both standard and market retail contracts, while this clause is addressing pre-contractual conduct.</p>
--	26A	<p>New clause in Division 2 (Pre-contractual procedures and obligation to supply) Part 4 (Retailer's pre-contract and marketing obligations), inserted after we consulted on the draft Energy Retail Code of Practice. It provides that a retailer selling to customers within an embedded network must not exceed the relevant maximum price formulated and published by the commission under clause 10(1) of the General Exemption Order (currently set at the level of the Victorian Default Offer)</p>
16A	27	<p>This clause is in Division 2 (Pre-contractual procedures and obligation to supply) Part 4 (Retailer's pre-contract and marketing obligations) and deals with pre-contractual duties of exempt persons.</p> <p>Change: The order of sub-clauses has been switched for consistency with other clauses (in other clauses the sub-clause designating the categories of exempt persons to which the clause applies comes last, not first).</p>
17	28	<p>This clause is in Division 2 (Pre-contractual procedures and obligation to supply) Part 4 (Retailer's pre-contract and marketing obligations) and states that an exempt person cannot refuse to sell electricity to a person within the relevant exemption category description except as specified.</p> <p>Change: This clause as been amended to clarify the circumstances in which an exempt person cannot refuse to sell electricity. Under clause 186 & 189, registered and deemed exempt persons are made subject to restrictions on disconnecting customers as set out in Part 2, Division 5C of the Electricity Industry Act, the previous drafting of clause 28 was repetitive of that obligation and so has been amended. The redrafted provision clarifies the circumstances in which an exempt person cannot refuse to sell electricity to a person within an embedded network.</p>

ERC clause	ERCoP clause	Description of amendment
--	28A	New clause in Division 2 (Pre-contractual procedures and obligation to supply) Part 4 (Retailer's pre-contract and marketing obligations) inserted after we consulted on the draft Energy Retail Code of Practice. This clause provides that a licensed retailer cannot refuse to sell electricity to an off-market customer where it has engaged with an owner's representative to sell electricity to that embedded network. This ensures that customers within an embedded network, whether serviced by a licensed retailer or exempt person, are not able to be refused sale when they are off-market (unless particular circumstances as set out in the clause apply).
18	29	This clause is in Division 2 (Pre-contractual procedures and obligation to supply) Part 4 (Retailer's pre-contract and marketing obligations) and deals with pre-contractual requests to designated retailers for sale of energy. No change.
19	30	This clause is in Division 2 (Pre-contractual procedures and obligation to supply) Part 4 (Retailer's pre-contract and marketing obligations) and deals with the responsibilities of designated retailers in response to requests for sale. No change.
--	31	This clause deals with sales to authorised customers. It reflects an obligation previously contained in the Code of Conduct for Marketing Retail Energy that is proposed to be transferred to the Energy Retail Code of Practice on revocation of that instrument. During consultation there was feedback that this clause should be deleted on the basis that it overlaps with clause 7(1)(b). This clause was retained on the basis that clause 7(1)(b) was concerned with competence to enter into a contract, whereas clause 31 is concerned with authority to enter into a contract for the particular premises. A person may be competent to enter into a contract, but not have authority to do so for the particular premises. We were also provided with feedback that the new clause 31 extended the existing obligation contained in the Code of Conduct for Marketing Retail Energy, on the basis that the existing clause was directed to sales to minors. We do not consider that to be the case. Existing clause 4.3 of the Code of Conduct for Marketing Retail Energy contains a general obligation on a retailer to take reasonable steps to ensure the person they enter into a contract with has authority to do so for the particular site (it is directed more broadly than sales to minors)
20	57	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into)

ERC clause	ERCoP clause	Description of amendment
		and deals with the basis on which a customer may be charged (e.g. metering/estimation/other method). No change.
20A	58	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with bulk hot water charging. No change.
21	59	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with estimation as basis for bills. Change: Amendments have been made to correct errors. Clause 21(2A) refers to a definition in subclause 3A which is incorrect. Language of ‘due day for payment’ is also changed to ‘pay-by date’ for consistency with other provisions of the Code. Minor word change from ‘may only’ to ‘must only’ in subclause (1).
22	60	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with proportionate billing. No change.
23	61	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with bill smoothing. No change.
24	62	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with frequency of bill. Change: A change has been made to clause 24(1) on account of subclause 24(1)(b) being redundant due to passage of time.
25	63	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with contents of bills. Change: ‘Bill benchmarking information’, is now a defined term which is appropriate given its interaction with s 40P of the EI Act;

ERC clause	ERCoP clause	Description of amendment
		The subclause specifying what an exempt person has to comply with has been amended, to remove the obligation for an exempt person to include the particular at subclause (1)(bb) on a bill, this has been replaced with an obligation to include an alternative form of words that clarify that the maximum price that may be charged by an exempt person is set at the level of the Victorian Default Offer.
25A (Greenhouse Gas disclosure on bills)	64	<p>The content of this clause has now been deleted. We have updated Guideline 13 – Greenhouse Gas Disclosures (now called Guideline: Greenhouse Gas Disclosure on Electricity Customers’ Bills to apply to small customers.</p> <p>New clause 64 requires compliance with the updated guideline. Following consultation which raised a request for clarification on whether the information in the guideline had to be included in the amendments have been made to the guideline to clarify that for small customers a retailer must include either the information concerning greenhouse gas emissions as specified in the guideline or bill benchmarking information (as per clause 64). The clause has also been updated to reflect requirement of s 40R EI Act which requires greenhouse disclosure or (where a residential customer) bill benchmarking information.</p>
26	65	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and limits the pay-by date of a bill. No substantive change.
27	66	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with apportionment of any amount paid. No change.
27A	67	<p>This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with provision of information in relation to in home displays.</p> <p>Change: ‘In home display’ is now a defined term.</p>
28	68	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into)

ERC clause	ERCoP clause	Description of amendment
		and deals with historical billing information. No change.
29	69	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with billing disputes. No change.
30	70	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with undercharging. No change.
31	71	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with overcharging. No change.
32	72	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with payment methods. No change.
32A	73	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with payment methods for exempt persons. No change.
32B	74	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with receipts. No change.
33	NA	Clause number not used in the current Energy Retail Code.
34	75	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with shortened collection cycles. No change.

ERC clause	ERCoP clause	Description of amendment
35	76	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with preparation and issuing of final bill. No change.
35A	77	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with additional retail charges. No change.
35B	78	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with merchant service fees. No change.
35C	79	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with dishonoured payment fees. No change.
35D	80	This clause is in Division 1 (Customer retail contracts – billing) of Part 5 (Rights and obligations once a contract is entered into) and deals with guaranteed service level payments. No change.
36	81	This clause is in Division 2 (Standard retail contracts – tariff changes) of Part 5 (Rights and obligations once a contract is entered into) and deals with obligations on retailers in relation to tariff changes. No change.
37	82	This clause is in Division 2 (Standard retail contracts – tariff changes) of Part 5 (Rights and obligations once a contract is entered into) and deals with a customer's request for change of tariff. No change.
38	83	This clause is in Division 2 (Standard retail contracts – tariff changes) of Part 5 (Rights and obligations once a contract is entered into) and deals with notification of a change in use of customer's premises. No change other than to reference that disconnection is provided for in the Electricity Industry Act and Gas Industry Act.

ERC clause	ERCoP clause	Description of amendment
39	84	This clause is in Division 3 (Customer retail contracts – security deposits) of Part 5 (Rights and obligations once a contract is entered into) and deals with the consideration of a customer’s credit history for the purpose of deciding whether to require the customer to provide a security deposit. No change.
40	85	This clause is in Division 3 (Customer retail contracts – security deposits) of Part 5 (Rights and obligations once a contract is entered into) and deals with the circumstances in which a retailer may require a small customer to provide a security deposit. Amended to reflect disconnection for non-payment is provided for in the Electricity Industry Act and Gas Industry Act.
41	86	This clause is in Division 3 (Customer retail contracts – security deposits) of Part 5 (Rights and obligations once a contract is entered into) and deals with payment of a security deposit. No change.
42	87	This clause is in Division 3 (Customer retail contracts – security deposits) of Part 5 (Rights and obligations once a contract is entered into) deals with the amount of security deposit that may be required. No change.
43	88	This clause is in Division 3 (Customer retail contracts – security deposits) of Part 5 (Rights and obligations once a contract is entered into) deals with interest on security deposits. No change.
44	89	This clause is in Division 3 (Customer retail contracts – security deposits) of Part 5 (Rights and obligations once a contract is entered into) deals with retailer’s permitted uses of security deposits. No change.
45	90	This clause is in Division 3 (Customer retail contracts – security deposits) of Part 5 (Rights and obligations once a contract is entered into) deals with retailers’ obligation to return customer security deposits. No change.
45AA	NA	This clause clarified the application of the division (Part 2, Division 7). Clause 45AA has been removed from the Code of Practice as the application of the clauses is tracked in the clause itself.

ERC clause	ERCoP clause	Description of amendment
45A	91	<p>This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and sets out definitions relevant to this Division.</p> <p>Change: Definitions amended to refer to contracts 'or arrangements' to pick up EPAs.</p>
46	92	<p>This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and deals with tariffs and charges.</p> <p>Change: Parenthetical added to heading to reflect application to MRCs and EPAs; amendments to sub-clauses applicable to MRCs to identify what other subclauses apply to market retail contracts (as contrasted with previous subclause that identified what other subclauses did not apply to market retail contracts) for consistency.</p>
46A	93	<p>This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and deals with variations to market retail contracts.</p> <p>Change: Parenthetical added to heading to reflect application to MRCs only; reference to dual fuel contracts removed; definition of dual fuel contract removed (already in s 3 definitions). Note inserted regarding the need to obtain explicit informed consent. Minor word change from “may only” to “must only” in subclause 1.</p>
46AA	94	<p>This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and deals with price certainty for MRCs.</p> <p>Change: Parenthetical added to heading to reflect application of clause to MRCs only; sub-clause (1) removed as now redundant. Minor word change from “may only” to “must only” in heading.</p>
46AB	95	<p>This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and deals with pay-on-time discounts.</p>

ERC clause	ERCoP clause	Description of amendment
		Change: Deletion of text 'or arrangements' as that phrase deals with EPAs and this clause is limited to MRCs.
46B	96	This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and deals with fixed benefit periods. Change: Parenthetical added to heading to reflect its application to MRCs only.
47	97	This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and deals with customer cooling-off periods. No change.
47A	98	This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and deals with notice of benefit change for EPAs. Correction in (1), deleting reference to retailer and replacing with exempt person.
47AB	99	The clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and deals with the duration of fixed benefit retail contracts. Change: Parenthetical added to heading to reflects its application to MRCs only; removal of sub-clause (2) which is redundant due to definition of fixed term retail contract being limited to market contracts.
48	100	This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and deals with retailer notice required at the end of fixed term retail contracts and EPAs. Change: Removal of reference to EPAs in the text as it is not necessary – captured by definition of fixed term retail contracts and sub-clause (8); addition of reference to the Victorian default offer in (4)(c)).

ERC clause	ERCoP clause	Description of amendment
49	177	This clause is in new Part 9 (Termination) and deals with termination of an MRC or EPA. No change.
49A	101	This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and deals with early termination charges and agreed damages terms. Change: Parenthetical added to heading to reflect its application to MRCs only; amendment of old sub-clause (6A) to make the link between subclauses clear; deletion of old sub-clause (7) which is redundant.
50	102	This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and deals with small customer complaints and dispute resolution. Change: Clause applies to all exempt persons which was already required by reason of clause 11 of the General Exemption Order but this is now made clear by amendment to subclause (4).
51	103	This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and prohibits retailers from limiting their liabilities or giving themselves immunity. Change: Parenthetical added to reflect that clause applies to both MRCs and EPAs.
52	104	This clause is in Division 4 (Key requirements for market retail contracts and exempt person arrangements) of Part 5 (Rights and obligations once a contract is entered into) and prohibits retailers requiring indemnities. Change: Parenthetical added to reflect that clause applies to both MRCs and EPAs.
52A	NA	This clause identified that the requirements of subdivision 2 applied to exempt market retail contracts. This clause has been deleted as it is now redundant.

ERC clause	ERCoP clause	Description of amendment
52B	116	This clause is in Division 7 (Price certainty: Exempt market retail contracts) of Part 5 (Rights and obligations once a contract is entered into) and contains the objectives applicable to Division 7. No change.
52C	117	This clause is in Division 7 (Price certainty: Exempt market retail contracts) of Part 5 (Rights and obligations once a contract is entered into) and defines exempt market retail contract. No change.
52D	118	This clause is in Division 7 (Price certainty: Exempt market retail contracts) of Part 5 (Rights and obligations once a contract is entered into) and deals with EIC for exempt MRCs. No change.
52DA	119	This clause is in Division 7 (Price certainty: Exempt market retail contracts) of Part 5 (Rights and obligations once a contract is entered into) and deals with notice and reporting requirements for exempt MRCs. Change: Deleted reference to ‘after 1 July 2020’ as not necessary); removal of subclause (2) as it is no longer necessary; removal of ‘1 July 2020’ in subclause (3) as no longer necessary.
52E	120	This clause is in Division 7 (Price certainty: Exempt market retail contracts) of Part 5 (Rights and obligations once a contract is entered into) and deals with tailored assistance for customers on exempt MRCs. No change.
None	32	This clause (Objective) is in Division 3 (Move-in and carry-over customers) of Part 4 (Retailer’s pre-contract and marketing obligations) and sets out the objective of the Division.
53	33	This clause (Obligations of retailers) is in Division 3 (Move-in and carry-over customers) of Part 4 (Retailer’s pre-contract and marketing obligations) and deals with the obligations of retailers with respect to deemed contracts. No change.
53A	34	This clause (Obligations of exempt persons) is in Division 3 (Move-in and carry-over customers) of Part 4 (Retailer’s pre-contract

ERC clause	ERCoP clause	Description of amendment
		and marketing obligations) and identifies the obligations of exempt persons with respect to customers who have not entered into an exempt person arrangement. No change.
54	35	This clause is in Division 3 (Move-in and carry-over customers) in Part 4 and deals with the formation of standard retail contract on incomplete request. No change.
55	12	This clause is in Part 2 (Retailer's general obligations) and deals with referral to interpreter services. No change.
56	13	This clause is in Part 2 (Retailer's general obligations) and requires retailers to provide information regarding their services on their websites. Change: Reference in heading to payment hardship changed to payment assistance in response to feedback to commission from consumer groups.
57	113	This clause is in Division 6 (Transfer of customers) Part 5 (Rights and obligations once a contract is entered into) and identifies retailer obligations regarding customer transfer. No change.
58	114	This clause is in Division 6 (Transfer of customers) Part 5 (Rights and obligations once a contract is entered into) and deals with the notice required to be given to small customers upon transfer. No change.
59	115	This clause is in Division 6 (Transfer of customers) Part 5 (Rights and obligations once a contract is entered into) and deals with the notice required to be given to small customers where a transfer has been delayed. No change.
59A	14	This clause is in Part 2 (Retailer's general obligations) and deals with standard complaints and dispute resolution procedures. No change.

ERC clause	ERCoP clause	Description of amendment
60	42	This clause is in Division 5 (Energy marketing) Part 4 (Retailers' pre-contract and marketing obligations) and deals with the application of the division. No change.
60A	NA	This clause has been deleted . All 'requirement clauses' removed.
60B	43	This clause is in new Division 5 (Energy marketing) of Part 4 (Retailers' pre-contract and marketing obligations). Change: This clause has been incorporated into a new clause that consolidates objectives of energy marketing provisions.
60C	44	This clause is in Division 5 (Energy marketing) Part 4 (Retailers' pre-contract and marketing obligations) and imposes a duty on retailers to ensure marketers compliance. No change.
60D	NA	This clause is removed .
60E	NA	This clause is removed .
61(1)	43	This clause provided the overview of old subdivision 2 and is now in new Division 5 (Energy marketing) of Part 4 (Retailers' pre-contract and marketing obligations). Change: This clause has been incorporated into a new clause that consolidates objectives of energy marketing provisions.
61(2)	43	Old clause 61(2) had been removed . The old clause formerly stated: "The information is referred to in this Subdivision [i.e. old clauses 62, 63 and 64; being new clauses 45, 46 and 47] as required information." The removal of old sub-clause 61(2) has been addressed by clarifying that "required information" in clauses 45, 46 and 47 is defined for the purposes of those clauses in clause 47.

ERC clause	ERCoP clause	Description of amendment
62	45	<p>This clause is in Division 5 (Energy marketing) Part 4 (Retailers' pre-contract and marketing obligations). This clause sets out the requirements for and timing of disclosure by retail marketers.</p> <p>Change: Insertion of words "subject to clause 7" to clarify the interaction between this obligation and the requirement to obtain explicit informed consent, which requires all matters relevant to the consent of the small customer to be provided in advance of that customer being able to give explicit informed consent.</p>
63	46	<p>This clause is in Division 5 (Energy marketing) Part 4 (Retailers' pre-contract and marketing obligations).</p> <p>This clause specifies the form of disclosure to small customers by retail marketers. No change.</p>
64	47	<p>This clause is in Division 5 (Energy marketing) Part 4 (Retailers' pre-contract and marketing obligations).</p> <p>This clause deals with information required to be provided by retail marketers to small customers.</p> <p>Change: Insertion of new subclause (f), which was an obligation under the Code of Conduct for Marketing Retail Energy (see clause 3.3(b)), with change of terminology as used in the Energy Retail Code of Practice.</p>
64A	43	<p>This clause is in Division 5 (Energy marketing) Part 4 (Retailers' pre-contract and marketing obligations).</p> <p>Change: The old clause set out the objective of old subdivision 2A dealing with advertising conditional discounts to small customers. This clause has been incorporated into a new clause that consolidates objectives of energy marketing provisions.</p>
64B	48	<p>This clause is in Division 5 (Energy marketing) Part 4 (Retailers' pre-contract and marketing obligations). This clause deals with the manner of advertising conditional discounts. No change.</p>
64C	43	<p>This clause is in Division 5 (Energy marketing) Part 4 (Retailers' pre-contract and marketing obligations).</p>

ERC clause	ERCoP clause	Description of amendment
		Change: The old clause set out the objective of old subdivision 2B dealing with advertising electricity prices marketing. This clause has been incorporated into a new clause that consolidates objectives of energy marketing provisions
64D	NA	This clause has been removed . The clause concerns the application of the subdivision for advertising electricity prices. This clause is now redundant due to application of energy marketing clauses being addressed by clause 42.
64E	49(5)	This clause is in Division 5 (Energy Marketing) Part 4 (Retailers' pre-contract and marketing obligations) and contains definitions related to energy marketing activities. Change: This has been subsumed into clause dealing with advertisements rather than drafted as a stand-alone clause; note removed (redundant).
64F	49	This clause is in Division 5 (Energy Marketing) Part 4 (Retailers' pre-contract and marketing obligations) and deals with advertisements comparison to the Victorian default offer price. No change
NA	50	This clause has been incorporated as a result of the consolidation of the Code of Conduct for Marketing Retail Energy into the Code. Comparable obligation previously found at clause 2.1 and 2.2 of the Code of Conduct for Marketing Retail Energy.
65	51	This clause is in Division 5 (Energy Marketing) Part 4 (Retailers' pre-contract and marketing obligations) and deals with the requirement to maintain no contact lists for marketing activities. Amended to reflect that the Energy Fairness Act prohibits activities directed to domestic customers and this obligation only has continued relevance for small business customers; also to reflect non-applicability to telemarketing calls or e-marketing activities.
66	52	This clause is in Division 5 (Energy Marketing) Part 4 (Retailers' pre-contract and marketing obligations) and requires compliance with no canvassing or no advertising signs. Note inserted to reflect that the Energy Fairness Act limits activities to those allowed

ERC clause	ERCoP clause	Description of amendment
		by the s 40EB of the Electricity Industry Act or s 48DB of the Gas Industry Act.
NA	53	<p>This clause has been incorporated as a result of the consolidation of the Code of Conduct for Marketing Retail Energy into the Code and provides for training of persons engaged in energy marketing activity. Comparable obligation previously found at clause 1 of the Code of Conduct for Marketing Retail Energy.</p> <p>During consultation there was a submission that this clause should be removed, on the basis that there are existing obligations in retailer's licence pertaining to training. We have decided to retain this clause, noting that the obligation at clause 53 requires training to be extended to person's who may not be staff of the retailer and requires training in relation to matters that are not limited to 'Victorian specific' requirements (as required by the licence) but pertain to broader concepts such as those under the Australian Consumer Law.</p>
67	NA	Clause number not used in the current Energy Retail Code.
68	54	<p>This clause is in Division 5 (Energy Marketing) Part 4 (Retailers' pre-contract and marketing obligations) and deals with record keeping requirements of energy marketing activities.</p> <p>Change: Amendment to clause (1) and addition of subclause (2) incorporated as a result of the consolidation of the Code of Conduct for Marketing Retail Energy into the Code. Comparable obligation previously found at clauses 1 (in relation to record keeping), 2.4 and 2.5 of the Code of Conduct for Marketing Retail Energy.</p>
NA	55	New "Objective" provision for Part 5 (Rights and obligations once a contract is entered into).
NA	56	New "Simplified outline" provision for Part 5 (Rights and obligations once a contract is entered into).
69	15	This clause is in Part 2 (Retailers' general obligations) and deals with compliance by small customers who are not premises

ERC clause	ERCoP clause	Description of amendment
		owners. No change. During consultation on the draft decision we received feedback that this clause should be removed from Part 2 (Retailer's general obligations). We acknowledge it places an obligation on a small customer, not a retailer. However, the unique nature of this obligation, rather than create a new part to the code it has been retained in Part 2, with the simplified outline amended to include reference to this obligation.
70	176	This clause is in new Part 9 (Termination) and deals with termination of SRC. No change.
70A	36	This clause (Termination of a deemed contract) is in Division 3 (Move-in and carry-over customers) of Part 4 (Retailer's' pre-contract and marketing obligations). No change.
70B	178	This clause is in new Part 9 (Termination) and deals with termination in ROLR events. Change: Deletion of sub-clause (4) which provided a definition of dual fuel contracts as that is addressed in section 3, definitions.
70C	NA	Clause removed . All 'requirement clauses' removed.
70CA	NA	Clause removed . Purpose and objective clauses have been combined to a single objective clause at the commencement of each relevant part.
70D	NA	Clause removed . Unnecessary.
70E	NA	Clause removed . All part-specific interpretation clauses removed.
70F	NA	Clause removed . All requirement clauses removed.

ERC clause	ERCoP clause	Description of amendment
70G	37	<p>This clause is in Division 4(Clear advice and energy fact sheets), Part 4 (Retailers’ pre-contract and marketing obligations) and sets out the objective of the division.</p> <p>Change: Reference to objective being to provide a mechanism to consider and compare the features and prices of different energy plans added to reflect scope of division.</p>
70H	38	<p>This clause is in Division 4 (Clear advice and energy fact sheets) of Part 4 (Retailers’ pre-contract and marketing obligations) and identifies minimum standards for the giving of clear advice to customers. No change.</p>
70I	41	<p>This clause is in Division 4 (Clear advice and energy fact sheets) of Part 4 (Retailers’ pre-contract and marketing obligations) requires retailers to maintain records of compliance.</p> <p>Change: The heading “Compliance” has been changed to “Record keeping” as it more directly reflects what the clause is about.</p>
70K, 70O	105	<p>This clause is in Division 5 (Customers entitled to clear information about energy plans), Part 5 (Rights and obligations once a contract is entered into) and identifies objectives regarding customer entitlement to specified information.</p> <p>Change: Amalgamation of clauses 70K and 70O.</p>
70L	106	<p>This clause is in Division 5 (Customers entitled to certain information) of Part 5 (Rights and obligations once a contract is entered into) and establishes minimum standards re: notice of price or benefit changes.</p> <p>Change: Parenthetical added to reflect application of clause to both SRCs and MRCs.</p>
70LA	107	<p>This clause is in Division 5 (Customers entitled to certain information) of Part 5 (Rights and obligations once a contract is entered into) and provides minimum standards for notice of feed-in tariffs.</p>

ERC clause	ERCoP clause	Description of amendment
		Change: Parenthetical added to reflect application of clause to MRCs.
70M	112	<p>This clause is in Division 5 (Customers entitled to certain information) of Part 5 (Rights and obligations once a contract is entered into) and now entitled 'record keeping (previously, clauses 70M and 70T were entitled "compliance") and deals with records retailers must maintain of compliance with deemed best offer requirements.</p> <p>Change: Combines clauses 70M and 70T and makes record keeping provisions a requirement of the Division.</p>
70N	NA	Clause removed . All requirement clauses removed.
70O	105	<p>This clause is in Division 5 (Customers entitled to clear information about energy plans), Part 5 (Rights and obligations once a contract is entered into) and identifies objectives regarding customer entitlement to specified information.</p> <p>Change: Amalgamation of clauses 70K and 70O.</p>
70P	108	<p>This clause is in Division 5 (Customers entitled to certain information) of Part 5 (Rights and obligations once a contract is entered into) and provides for retailers to identify their deemed best offer.</p> <p>Change: Insertion of the word "paid" before the word affiliation in subclause 108(2)(a)(ii), correcting a clerical error – being the inadvertent omission of this word from the Energy Retail Code when implementing the reforms. See Appendix B to the commission's final decision, <i>Building trust through new customer entitlements in the retail energy market</i>, 30 October 2018. Parenthetical added to heading to reflect that clause applies to both SRCs and MRCs.</p>
70Q	109	<p>This clause is in Division 5 (Customers entitled to certain information) of Part 5 (Rights and obligations once a contract is entered into) and sets out the process for retailers to undertake a deemed best offer check.</p> <p>Change: Parenthetical added to heading to reflect that clause applies to both SRCs and MRC.</p>

ERC clause	ERCoP clause	Description of amendment
70R	110	<p>This clause is in Division 5 (Customers entitled to certain information) of Part 5 (Rights and obligations once a contract is entered into) and requires retailers to give deemed best offer message to customers.</p> <p>Change: Parenthetical added to heading to reflect that clause applies to both SRCs and MRCs.</p>
70S	111	<p>This clause is in Division 5 (Customers entitled to certain information) of Part 5 (Rights and obligations once a contract is entered into) and identifies the required contents of a deemed best offer message.</p> <p>Change: Parenthetical added to heading to reflect that clause applies to both SRCs and MRCs; removal of old sub-clause (6) which provided the clause does not apply to exempt persons, not necessary.</p>
70M, 70T	112	<p>This clause is in Division 5 (Customers entitled to certain information) of Part 5 (Rights and obligations once a contract is entered into) and now entitled 'record keeping' (previously, clauses 70M and 70T were entitled 'compliance') and deals with records retailers must maintain of compliance with deemed best offer requirements.</p> <p>Change: combines clauses 70M and 70T and makes record keeping provisions a requirement of the Division.</p>
70U	NA	<p>Clause removed. All requirement clauses removed.</p>
70V	37	<p>This clause is Division 4 (Clear advice and energy fact sheets) Part 4 (Retailers' pre-contract and marketing obligations) and contains an objective for the division. No substantive change.</p>
70W	NA	<p>Removed, not necessary as application of associated clauses to licensed retailers clear on their terms.</p>
70X	39	<p>This clause is in Division 4 (Clear advice and energy fact sheets) of Part 4 (Retailers' pre-contract and marketing obligations) and requires retailers to provide specified information to customers via the Victoria Retailer Portal and obtain energy fact sheets. No</p>

ERC clause	ERCoP clause	Description of amendment
		change.
70Y	40	This clause is in Division 4 (Clear advice and energy fact sheets) of Part 4 (Retailers' pre-contract and marketing obligations) and requires retailers to make energy fact sheets available to customers. No change.
70Z	41	This clause is in Division 4 (Clear advice and energy fact sheets) of Part 4 (Retailers' pre-contract and marketing obligations) and requires retailers to maintain records of compliance. Change: Clauses 70Z and 70I combined into new clause 41. The heading 'Compliance' has been changed to 'Record keeping' as it more directly reflects what the clause is about.
71	121	This clause is in new Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with the objective of new Part 6, which provides for assistance required for residential customers facing payment difficulties. No substantive change.
72	122	This clause is in new Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with the 'application' of Part 6. Change: Specification that the assistance in Part 6 is relevant assistance for the purposes of the definitions of relevant assistance in section 40SA of the Electricity Industry Act and section 48DC of the Gas Industry Act.
NA	123	This is a new clause in Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and provides a "simplified outline" of Part 6.
73	None	Clause removed . All part-specific interpretation clauses removed.

ERC clause	ERCoP clause	Description of amendment
74	124	This clause is in Division 1 (Standard assistance) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and states the objective of provisions for standard assistance. No change.
75	NA	Clause removed . Unnecessary as application provisions contained in Part 1.
76	125	The clause is in Division 1 (Standard assistance) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and sets forth the requirements of standard assistance. Change: Parenthetical added to heading to clarify that clause applies to SRC, MRC, EPA.
77	126	This clause is in Division 2 (Tailored assistance) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and contains the objectives for provisions regarding tailored assistance. No change.
78	127	This clause is in Division 2 (Tailored assistance) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with the application of this division. Change: Second sentence of this clause regarding application to exempt persons deleted as its application to residential customers will pick up customers of exempt persons.
79	128	This clause is in Division 2 (Tailored assistance) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with minimum assistance required for tailored assistance. Change: New clause 128(1)(e) reflects existing obligation in the Guideline: supporting utility relief applications that has been moved into the Energy Retail Code of Practice. That Guideline can then be revoked by the commission (with remaining guidance ultimately placed in the PDF Guidance note). These obligations need to be moved to the code so that they can be prescribed as civil penalty provisions/energy industry provisions.

ERC clause	ERCoP clause	Description of amendment
80	129	<p>This clause is in Division 2 (Tailored assistance) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with information that must be provided about available tailored assistance.</p> <p>Change: Parenthetical added to heading to clarify clause applies to SRC, MRC and EPA.</p>
81	130	<p>This clause is in Division 2 (Tailored assistance) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with payment arrangements for those on tailored assistance. No change.</p>
82	131	<p>This clause is in Division 2 (Tailored assistance) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with non-payment toward ongoing energy use by customers on tailored assistance.</p> <p>Change: Parenthetical added to heading to clarify clause applies to SRC, MRC and EPA; some renumbering.</p>
83	132	<p>This clause is in Division 2 (Tailored assistance) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with continued provision of tailored assistance.</p> <p>No change: Parenthetical added to heading to clarify clause applies to SRC, MRC and EPA.</p>
83A	133	<p>This clause is in Division 3 (Pay-on-time discounts to be honoured) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and contains objective of provisions dealing with pay-on-time discounts. No change.</p>
83B	--	<p>This clause clarified that Division 3A Pat 3 applies to residential customers in arrears and clarified how it applied to exempt persons.</p> <p>Change: This clause has now been removed as clause 135 (existing clause 83C) identifies in its terms the customers of the retailers and exempt persons who qualify for the entitlement.</p>

ERC clause	ERCoP clause	Description of amendment
83C	135	<p>This clause is in Division 3 (Pay-on-time discounts to be honoured) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with honouring pay-on-time discounts.</p> <p>Change: Subclause inserted to clarify its application to market retail contracts and parenthetical added to heading to clarify clause applies to MRC and EPA.</p>
84	136	<p>This clause is in Division 4 (Financial Hardship Policies) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with approval of financial hardship policies. No change.</p>
85	137	<p>This clause is in Division 4 (Financial Hardship Policies) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with the content of financial hardship policies. No change.</p>
86	138	<p>This clause is in Division 5 (Communications) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with the provision of information to customers.</p> <p>Change: Parenthetical added to heading to clarify clause applies to SRC, MRC and EPA.</p>
87	139	<p>This clause is in Division 5 (Communications) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with written communications by retailers.</p> <p>Change: Parenthetical added to heading to clarify clause applies to SRC, MRC and EPA.</p>
88	140	<p>This clause is in Division 5 (Communications) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and clarifies the effect of this Division. No change.</p>
89	141	<p>This clause is in Division 6 (Miscellaneous) of Part 6 (Assistance for residential customers anticipating or facing payment</p>

ERC clause	ERCoP clause	Description of amendment
		difficulties) and deals with miscellaneous retailer obligations. Change: Parenthetical added to heading to clarify clause applies to SRC, MRC and EPA.
90	142	This clause is in Division 6 (Miscellaneous) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with assistance provided beyond minimum standards. No change.
91	143	This clause is in Division 6 (Miscellaneous) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and prohibits retailers imposing conditions for the receipt of assistance. Change: Parenthetical added to heading to clarify clause applies to SRC, MRC and EPA.
92	144	This clause is in Division 6 (Miscellaneous) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with customer debt. Change: Parenthetical added to heading to clarify clause applies to SRC, MRC and EPA.
93	145	This clause is in Division 6 (Miscellaneous) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with supply capacity control products. Change: Parenthetical added to heading to clarify clause applies to SRC, MRC and EPA.
94	146	This clause is in Division 6 (Miscellaneous) of Part 6 (Assistance for residential customers anticipating or facing payment difficulties) and deals with customer payments via Centrepay. No change.
95	NA	Clause number not used in the current Energy Retail Code.

ERC clause	ERCoP clause	Description of amendment
96	NA	Clause number not used in the current Energy Retail Code.
97	NA	Clause number not used in the current Energy Retail Code.
98	NA	Clause number not used in the current Energy Retail Code.
99	NA	Clause number not used in the current Energy Retail Code.
100	NA	Clause number not used in the current Energy Retail Code.
101	NA	Clause number not used in the current Energy Retail Code.
102	NA	Clause number not used in the current Energy Retail Code.
103	NA	Clause number not used in the current Energy Retail Code.
104	NA	Clause number not used in the current Energy Retail Code.
105	NA	Clause number not used in the current Energy Retail Code.
106	NA	Clause number not used in the current Energy Retail Code.
106A	NA	Clause removed . All requirement clauses removed.

ERC clause	ERCoP clause	Description of amendment
106B, 106E	147	<p>This clause is in new Part 7 (Assistance for customers affected by family violence) and deals with the purpose of Part 7, which deals with customers affected by family violence.</p> <p>Change: Removes reference to ‘affected customers’ and replaces with ‘small customers who may be affected by family violence’ to clearly articulate the purpose of the Part (elsewhere reference to affected customers remains).</p>
None	148	This clause is in new Part 7 (Assistance for customers affected by family violence) and provides a “simplified outline” of the Part.
106C	NA	Clause removed . All part-specific interpretation clauses removed.
106D	NA	Clause removed . All requirement clauses removed.
106F	149	This clause is in Division 1 (Providing family violence assistance—minimum standards) of Part 7 (Assistance for customers affected by family violence) and deals with the minimum element of training to be provided by retailers. No change.
106G	150	This clause is in Division 1 (Providing family violence assistance—minimum standards) of Part 7 (Assistance for customers affected by family violence) and deals with account security to be maintained by retailers. No change.
106H	151	This clause is in Division 1 (Providing family violence assistance—minimum standards) of Part 7 (Assistance for customers affected by family violence) and deals with customer service for family violence affected customers. No change.
106I	152	This clause is in Division 1 (Providing family violence assistance—minimum standards) of Part 7 (Assistance for customers affected by family violence) and deals with debt management requirements for customers affected by family violence. No change.
106J	153	This clause is in Division 1 (Providing family violence assistance—minimum standards) of Part 7 (Assistance for customers

ERC clause	ERCoP clause	Description of amendment
		affected by family violence) and requires retailers to recognise family violence as potential cause of payment difficulty. No change.
106K	154	This clause is in Division 1 (Providing family violence assistance—minimum standards) of Part 7 (Assistance for customers affected by family violence) and deals with retailer provision of information about external support available to customers affected by family violence. No change.
106L	155	This clause is in Division 1 (Providing family violence assistance—minimum standards) of Part 7 (Assistance for customers affected by family violence) and deals with evidence of family violence retailers may request. Change: Minor word change from “may only” to “must only”.
106M	156	This clause is in Division 1 (Providing family violence assistance—minimum standards) of Part 7 (Assistance for customers affected by family violence) and deals with the provision of assistance beyond minimum standards. No change.
106N	157	This clause is in Division 2 (Family violence policies) of Part 7 (Assistance for customers affected by family violence) and requires retailers to have a family violence policy. No change.
106O	158	This clause is in Division 2 (Family violence policies) of Part 7 (Assistance for customers affected by family violence) and requires family violence policy to be easily accessible. No change.
106P	159	This clause is in Division 2 (Family violence policies) of Part 7 (Assistance for customers affected by family violence) and requires family violence policies to be reviewed at least every two years. No change.
106Q	160	This clause is in Division 3 (Record keeping) of Part 7 (Assistance for customers affected by family violence) and identifies recordkeeping requirements to demonstrate compliance with Part 7. Heading changed to “record keeping” for consistency (noting

ERC clause	ERCoP clause	Description of amendment
		record keeping clauses were sometimes referred to as record keeping and other times compliance).
None	179	This clause is in Part 10 (Disconnection of premises) and sets out the “Objective” of the Part. This clause now identifies that the objective of Part 10 is to make provision or those matters in relation to disconnection of energy that Division 5C of Part 2 of the Electricity Industry Act and Division 4AA of Part 3 of the Gas Industry Act provide may be contained in an applicable code. This is no longer a standalone part of the code that deals with disconnection but must be read alongside the relevant legislation.
None	180	This clause is in Part 10 (Disconnection of premises) and provides a simplified outline of the Part’s three divisions. It identifies that Part 8 needs to be read together with Division 5C of Part 2 of the Electricity Industry Act and Division 4AA of Part 3 of the Gas Industry Act and identifies what is contained in each division.
107	NA	This clause removed as the application is now addressed in Division 5C of Part 2 of the Electricity Industry Act and Division 4AA of Part 3 of the Gas Industry Act.
108	181	<p>This clause is in Division 1 (Preliminary) of Part 10 (Disconnection of premises) and provides definitions relevant to Part 10.</p> <p>Change: Additional terms defined for consistency with the Energy Fairness Act, some existing terms amended:</p> <ul style="list-style-type: none"> • access request notice (has the same meaning as in the Energy Fairness Act) • disconnection warning notice (has same meaning as in the Energy Fairness Act) • disconnection warning notice (amended to remove cross reference) • intention to disconnect notice (has same meaning as in the Energy Fairness Act) • intention to disconnect period (clarified that it is the period starting on the date of issue of an intention to disconnect notice and ends no earlier than 6 business days from the date of issue of the intention to disconnect notice) • reminder notice (has the same meaning as in the Energy Fairness Act). <p>Deletions:</p>

ERC clause	ERCoP clause	Description of amendment
		<ul style="list-style-type: none"> protected period (now defined in the legislation per the Energy Fairness Act, and references to term in Part 10 removed) public holiday (now defined in the legislation per the Energy Fairness Act, and references to term in Part 10 removed).
109	182	<p>This clause is in Division 1 (Preliminary) of Part 10 (Disconnection of premises) deals with the requirements for reminder notices.</p> <p>Change: Amendment of subclause (1) to remove the purpose of the reminder notice as that is addressed in the Energy Fairness Act, so now clause simply provides that a reminder notice must have the heading “Reminder Notice’ prominently displayed on it. Amendments of subclauses (2) to (5) to incorporate terminology in the Energy Fairness Act.</p>
NA	183	<p>New clause in Division 1 (Preliminary) of Part 10 (Disconnection of premises) deals with access request notices to reflect provisions of the Energy Fairness Act.</p>
NA	184	<p>New clause in Division 1 (Preliminary) of Part 10 (Disconnection of premises) deals with intention to disconnect notices to reflect provisions of the Energy Fairness Act. The Energy Retail Code previously referred not notices of intention to disconnect but did not specify the requirements of this notice. The Energy Fairness Act provides for the code to specify the matters required to be specified in this notice. The matters specified align with those kinds of matters required to be included in a reminder notice for non-payment of a bill; the date of issue of notice, the date on which the intention to disconnect notice period ends, the action a customer may take to avoid disconnection, contact details for the retailer or exempt person.</p>
110	185	<p>This clause is in Division 1 (Preliminary) of Part 10 (Disconnection of premises) deals with retailer disconnection warning notices.</p> <p>Change: Removal of the subclause identifying the purpose of a disconnection warning notice which is now addressed in the Energy Fairness Act; amendment to clarify that a disconnection warning notice must not be issued before the next business day after the end of the intention to disconnect notice period; amendments to incorporate new terminology from the Energy Fairness Act (such as exempt electricity seller).</p>

ERC clause	ERCoP clause	Description of amendment
NA	186	New clause in Division 2 (Disconnection obligations of retailers and exempt persons) of Part 10 (Disconnection of premises). This clause specifies the categories of exempt electricity sellers that may arrange for supply of electricity at a relevant customer's premises to be disconnected in the circumstances set out in the Energy Fairness Act.
111	NA	This clause De-energisation for not paying a bill has been removed as this is proposed to be addressed in section 40SM of the Electricity Industry Act and section 48DO of the Gas Industry Act as per the Energy Fairness Act.
111A	187	<p>This clause is in Division 2 (Retailer-initiated disconnection of premises) of Part 10 (Disconnection of premises) and deals with disconnection of residential customers and provides for disconnection of residential customers as a last resort.</p> <p>Change: This clause has been substantially amended to remove matters that are now addressed in the Electricity Industry Act and Gas Industry Act, as per the Energy Fairness Act. The clause now specifies matters that must be complied with before a retailer or exempt person may arrange disconnection of the premises of a residential customer as provided for by sections 40SM(1)(f) of the Electricity Industry Act and section 48DO(1)(f) of the Gas Industry Act. There are no additional requirements than which currently apply.</p>
NA	188	<p>New clause in Division 2 (Retailer-initiated disconnection of premises) of Part 10 (Disconnection of premises) to extend Electricity Industry Act disconnection obligations to embedded network customers of licensed retailers.</p> <p>This clause was inserted following consultation on the draft code of practice to ensure that all small customers of a licensed retailer, including customers within embedded networks are afforded protection of disconnection unless specific circumstances (being those now set out in the Electricity Industry Act) exist.</p>
NA	189	New clause in Division 2 (Retailer-initiated disconnection of premises) of Part 10 (Disconnection of premises) to extend Electricity Industry Act disconnection obligations to deemed exempt persons. This clause continues the existing obligation on deemed exempt persons in specified categories to only arrange for disconnection of the premises of a relevant customer in particular

ERC clause	ERCoP clause	Description of amendment
		<p>circumstances.</p> <p>The categories of deemed exempt person set out in clause 189(2) were extended following consultation on the draft code of practice, in recognition that clause 17 of the current Energy Retail Code applied to exempt persons in categories VD3 and VD6.</p>
112	NA	This clause, De-energisation for not paying a security deposit or refusal to provide acceptable identification, has been removed as this is now proposed to be addressed in sections 40SN and 40SO of the Electricity Industry Act and sections 48DP and 48DQ of the Gas Industry Act as per the Energy Fairness Act.
113	NA	This clause, De-energisation for denying access to meter, has been removed as this is now proposed to be addressed in sections 40SP of the Electricity Industry Act and section 48DR of the Gas Industry Act as per the Energy Fairness Act.
114	NA	This clause, De-energisation for illegally using energy, has been removed as this is now proposed to be addressed in sections 40ST and 40SU of the Electricity Industry Act and sections 48DV and 48DW of the Gas Industry Act.
115	NA	This clause, De-energisation for non-notification by move-in or carry-over customers, has been removed as this is now proposed to be addressed in sections 40SQ of the Electricity Industry Act and section 48DS of the Gas Industry Act as per the Energy Fairness Act.
116	NA	This clause, When retailer must not arrange de-energisation, which specified when a retailer must not arrange disconnection, has been deleted as result of these prohibitions being incorporated into sections 40SR and 40SS of the Electricity Industry Act and sections 48DT and 48DU of the Gas Industry Act.
117	190	This clause is in Division 2 (Retailer-initiated disconnection of premises) of Part 10 (Disconnection of premises) and deals with timing of disconnection where dual fuel contract involved.

ERC clause	ERCoP clause	Description of amendment
		Change: Minor change to reflect that disconnection of electricity is now proposed to be addressed in Division 5C of the Electricity Industry Act.
118	191	<p>This clause is in Division 2 (Retailer-initiated disconnection of premises) of Part 10 (Disconnection of premises) and deals with customer requests for disconnection.</p> <p>Change: Note inserted to clarify that supply of electricity or gas may be disconnected by agreement or on notice by the relevant customer in accordance with section 40SL of the Electricity Industry Act or section 48DN of the Gas Industry Act; minor terminology changes.</p>
119	NA	Clause number not used in the current Energy Retail Code.
120	NA	Clause number not used in the current Energy Retail Code.
121	192	This clause is in Division 3 (Re-connection of premises) of Part 10 (Disconnection of premises) and deals with retailer obligation to re-connect premises. No change.
122	NA	Clause number not used in the current Energy Retail Code.
122A	193	This clause is in Division 3 (Re-connection of premises) of Part 10 (Disconnection of premises) and deals with the time for re-connection. No change.
123	NA	Clause removed . All requirement clauses removed.
124	161	This clause is in Division 1 (Retailer obligations) of Part 8 (Life support equipment) and deals with the objective of life support

ERC clause	ERCoP clause	Description of amendment
		<p>provisions. This clause now identifies that the objective of Part 8 is to make provision for those matters in relation to life support that Division 5C of Part 2 of the Electricity Industry Act and Division 4AA of Part 3 of the Gas Industry Act provide may be provided for in an applicable code or which are not addressed by the legislation. This is no longer a standalone part of the code that deals with life support, but must be read alongside the relevant legislation.</p> <p>Change: Objective of Part 8 now is to specify the applicable standards or requirements for purposes of Part 2, Division 5C of the Electricity Industry Act and Part 3, Division 4AA of the Gas Industry Act, added by the Energy Fairness Act, governing life support requirements for retailers and specified exempt sellers.</p>
NA	162	New clause provides a simplified outline of the provisions in Part 8 (Life support equipment).
125	163	<p>This clause is in Division 1 (Retailer obligations) of Part 8 (Life support equipment) and deals with registration of premises requiring life support equipment.</p> <p>Change: Clause substantially amended to identify that some obligations in the current Energy Retail Code are proposed to be provided for in the Electricity Industry Act and Gas Industry Act. Continuing clauses are ones that the Energy Fairness Act provides are matters that made be addressed by an applicable code, relating to specification of information that must be provided about life support customers and circumstances in which information must be provided.</p>
126	164	<p>This clause is in Division 1 (Retailer obligations) of Part 8 (Life support equipment) and deals with reminders to confirm premises need life support equipment.</p> <p>Change: Minor wording changes.</p>
127	165	<p>This clause is in Division 1 (Retailer obligations) of Part 8 (Life support equipment) and identifies ongoing retailer obligations in relation to registration of life support.</p> <p>Change: This clause is amended for consistency with the Energy Fairness Act, including removal of subclause that dealt with</p>

ERC clause	ERCoP clause	Description of amendment
		prohibition on disconnection of life support customers as this is proposed to be contained in the Electricity Industry Act and Gas Industry Act. A note is inserted to reference this obligation.
128	166	<p>This clause is in Division 1 (Retailer obligations) of Part 8 (Life support equipment) and deals with removal of details from the register of life support customers and residents.</p> <p>Change: This clause is amended for consistency with the Energy Fairness Act, which provides for circumstances for removal from the register of life support to be provided for by an applicable code.</p>
129	167	<p>This clause Division 1 (Retailer obligations) of Part 8 (Life support equipment) and requires details of registration, de-registration to be kept by retailers.</p> <p>Change: Minor terminology changes for consistency with the Energy Fairness Act.</p>
130	NA	Clause removed . All requirement clauses removed.
131	NA	Clause removed . Clause 131 set out objective of life support provisions for exempt persons. There is now a new Part 8 objective, clause 161, which clarifies the interaction between Part 8 and the life support framework set out in Division 5C of the Electricity Industry Act and Division 4AA of the Gas Industry Act.
132	168	<p>This clause is partly removed as the Energy Fairness Act provides for the Electricity Industry Act to address registration by exempt electricity sellers of life support customers. However, the subclauses of the existing clause 132 dealing with the information that must be provided by an exempt person to a customer is retained, with amendments to terminology, as these are matters to be provided for in an applicable code, as per the Energy Fairness Act.</p> <p>It is noted that the clause now applies to exempt electricity sellers, which is narrower in meaning than 'exempt persons'. This is for consistency with the Energy Fairness Act. Obligations of retailers with respect to notifications from deemed exempt persons or</p>

ERC clause	ERCoP clause	Description of amendment
		exempt distributors are addressed in Division 3 of new Part 8
133	169	<p>This clause is in Division 2 (Exempt person additional requirements) of Part 8 (Life support equipment) and deals with medical confirmation notices for registration of life support premises.</p> <p>Change: Clause applies to exempt electricity sellers, there are also minor terminology changes for consistency with the Energy Fairness Act.</p>
134	170	<p>This clause is in Division 2 (Exempt person additional requirements) of Part 8 (Life support equipment) and sets out ongoing obligations of exemption persons for premises registered as requiring life support. Change: This clause is amended for consistency with the Energy Fairness Act, including removal of subclause that addressed prohibition on disconnection of life support customers as this is now proposed to be contained in the Electricity Industry Act. A note is inserted to reference this obligation.</p>
135	171	<p>This clause is in Division 2 (Exempt person additional requirements) of Part 8 (Life support equipment) and deals with deregistration of premises requiring life support equipment.</p> <p>Change: This clause is amended for consistency with the Energy Fairness Act, mainly changes to terminology and cross referencing to provisions in the industry acts.</p>
136	172	<p>This clause is in Division 2 (Exempt person additional requirements) of Part 8 (Life support equipment) and requires details of registration, de-registration to be kept by exempt Electricity sellers.</p> <p>Change: Changes to terminology for consistency with the Energy Fairness Act.</p>
137	NA	<p>This clause has been deleted as the Energy Fairness Act provides for exempt electricity sellers in relation to life support and Division 3 of Part 8 addresses obligations of deemed exempt persons.</p>

ERC clause	ERCoP clause	Description of amendment
NA	173	New clause making provision for retailers to similarly record life support customer details in relation to notification by deemed exempt persons or exempt distributors as they would for notification from exempt electricity sellers. This clause reflects an existing obligation on retailers, but contained in a new clause in in Division 3 on account of the distinction between exempt electricity sellers and other exempt persons in the Energy Fairness Act.
NA	174	New clause requiring deemed exempt persons to record life support customer details in the same manner as required by exempt electricity sellers. This clause reflects an existing obligation on deemed exempt persons, but is contained in a new clause in Division 3 on account of the distinction exempt electricity sellers and other exempt persons in the Energy Fairness Act.
138	16(8)	This clause is in Part 2 (Retailers' general obligations) and relates to provision of electronic communication customer details (clauses 138 and 139 have been combined).
139	16	This clause is in Part 2 (Retailers' general obligations) and relates to provision of electronic communication customer details (clauses 138 and 139 have been combined).
NA	Schedule 1	This schedule specifies provisions that are civil penalty requirements.
Schedule 1	Schedule 2	<p>This schedule deals with model terms and conditions for standard retail contracts.</p> <p>Changes include:</p> <ul style="list-style-type: none"> Amendment to the preamble to remove the inference that there is a plan to adopt of the National Energy Rules in Victoria, However, noting that these model terms and conditions are used by retailers operating outside Victoria, this change (and others, relating to Victorian specific requirements) are identified in boxes. Inserting an additional note in the preamble to clarify that in Victoria standing offers for electricity are required to comply with prices set by the Essential Services Commission and known as the the Victorian default offer.

ERC clause	ERCoP clause	Description of amendment
		<ul style="list-style-type: none"> • An update to clause 4.2(a)(iv) to clarify circumstance in which the contract may end if a customer starts to buy energy for the premises from the same or a different retailer. This clause is now consistent with clause 4.2(a)(v) in Schedule 1 to the National Energy Retail Rules. • An amendment to the note at clause 7 to remove the words “prior to NECF jurisdiction in Victoria”. • Insertion of a note for Victorian consumers under clause 8.2 to identify that variation to standing offer prices may be varied more often than once every six months if required by the energy laws. This reflects variations described at s 35(3AB) of the Electricity Industry Act and section 42(3AB) of the Gas Industry Act, for instance variations that may be required in order for a retailer to comply with an order or price determination in force under such an order. • Insertion of a note for Victorian consumers under clause 10.3 to identify the payment difficulty framework in the Energy Retail Code of Practice sets minimum standards of assistance to which residential customers anticipating or facing payment difficulties are entitled. • Clarification of the required alternation for clause 10.4, to include text stipulating the late payment fee clause does not apply where the premises are located in Victoria. • Insertion of definition of Energy Retail Code of Practice • Deletion of defined term “gas full commencement date” (not used).
Schedule 2	NA	This schedule is not used in the Energy Retail Code.
Schedule 3	Schedule 3	<p>This schedule deals with transitional provisions.</p> <ul style="list-style-type: none"> • Included references to the Victorian default offer where appropriate references to the Victorian default offer in addition to standing offers. • Removes clause 1(c) and (d) as unnecessary as these are now redundant (only applied to time period 60 days after commencement of the Victorian default offer). • Revises clause 2 to insert ‘Retail’ after ‘Market’. Minor conforming changes to clause 2(c). Deletes clause 2(d). • Removed provisions in relation to life-support, now redundant.

ERC clause	ERCoP clause	Description of amendment
		<ul style="list-style-type: none"> Minor changes to clauses 4-6 to reflect commencement date of the code of practice.
Schedule 4	Removed	This schedule contains a template for publication of standing offer details on an internet site. Removed due to proposed changes to clause 15A (new clause 24).
Schedule 5	Removed	This schedule deals with price and product information statements. Removed , was not referred to in Energy Retail Code.
Schedule 6	Schedule 3	This schedule deals with bulk hot water formulas. No change.
Schedule 7	Removed	This schedule deals with acceptable formats of greenhouse gas disclosure on bill. Schedule removed due to proposed changes to clause 25A (new clause 63).
Schedule 8	Schedule 5	This schedule deals with categories of activities for exempt persons. No change.
Schedule 9	Schedule 6	This schedule deals with definition of explicit informed consent and clause 9 of the General Exemption Order. No change.
Schedule 10	Schedule 7	<p>This schedule specifies equipment types designated as life support equipment.</p> <p>Change: Minor wording changes to be consistent with the Energy Fairness Act. Addition of category (h) being other equipment specified under an applicable Code.</p>