



ESSENTIAL SERVICES COMMISSION

GUIDELINE NO. 19

ENERGY PRICE AND PRODUCT DISCLOSURE

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REPEALED

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Amendment Record

Issue No.	Date	Nature of Amendment
2	7 Dec 2005	Insert new section 3 in relation to Offer Summaries and consequential amendments
3	June 2009	Updates to reflect passage of Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008
4	August 2013	Updates to implement the Advanced Metering Infrastructure (AMI Tariffs) Order in Council 2013, to ensure a smooth transition to flexible pricing.

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1. BACKGROUND

1.1 Purpose

This guideline has been issued to implement the obligation created by sections 35C and 36A of the *Electricity Industry Act 2000* (Vic) and sections 42C and 43A of the *Gas Industry Act 2001* (Vic). Those provisions create statutory obligations to publish tariffs and terms and conditions of sale on the internet. This guideline sets out the detail of the statutory obligations, as required by the legislation.

This guideline therefore specifies the minimum requirements in relation to:

- (a) the process to be established to enable *small retail customers* to access relevant published information; and
- (b) the details and format for publication of energy *standing offers* and *price and product information statements*.

This guideline also creates similar obligations for certain written information in the form of offer summaries to be provided by *retailers* to *small retail customers*.

1.2 Legislative intent and context

The *Commission* understands the intention in enhancing the obligation to publish is to continue to facilitate the growth and effectiveness of competition in the Victorian retail energy markets, by enabling customers to more confidently make informed choices.

In particular, a customer within a relevant class should be able to identify:

- the *standing offer* tariff applicable to their circumstances (where the customer is a *domestic or small business customer*);
- at least one existing offer, including tariff, applicable to their circumstances that is generally available for acceptance (where the customer is a *small retail customer*).

1.3 Authority

This guideline is prepared and issued under sections 35C and 36A of the *Electricity Industry Act 2000* and sections 42C and 43A of the *Gas Industry Act 2001* in relation to publication of information on the internet. Those sections of the Acts create a deemed condition or conditions in the licence of *retailers* requiring compliance with this guideline insofar as it requires or regulates publication of *standing offers* or *price and product information statements*.

The parts of this guideline concerned with *offer summaries* are prepared and issued under section 13 of the *Essential Services Commission Act 2001* (Vic). Each *retailer* must comply with those parts of this guideline under its retail licence.

1.4 Application date

This guideline has effect from [1 May 2009].

2. INTERNET PUBLICATION OF STANDING OFFER TARIFFS

2.1 Form of publication

A *retailer* must:

- (a) publish on its internet site details of its *standing offers* and
- (b) provide to the Commission details of its *standing offer* tariffs in the manner set out in Schedule A

2.2 Access on retailer's internet site

The home page of the *retailer's* principal internet site must have a link that allows a person to access the retailer's *standing offer* easily and logically.

3. RELEVANT PUBLISHED OFFERS (PRICE AND PRODUCT INFORMATION STATEMENTS)

3.1 Process to access published details

A *specified retailer* must provide a link on the home page of the *specified retailer's* internet site so that a customer can easily and logically access the *retailer's price and product information statements*.

The *specified retailer* must not:

- (a) require¹ the customer to provide technical information, such as the customer's consumption, retail tariff, network tariff, distribution area, national metering identifier or meter installation registration number; or
- (b) request personal information about the customer, such as driver's licence number, address or date of birth;

before providing the *price and product information statement*.

If the *specified retailer* requires the customer's *meter type*, the customer must be provided with plain English explanations so that they can identify their *meter type* easily.

¹ This clause is not intended to prevent retailers from asking questions about these characteristics. However, it cannot be mandatory that the customer provide the information in order to proceed through the online process and obtain a *price and product information statement*.

3.2 Link to Commission's YourChoice website

A *specified retailer* must also co-operate with the *Commission* in implementing a system to create and sustain reliable links from the *Commission's* internet site so that the customer can:

- easily view the same or more offer information in the *retailer's* website and
- potentially accept that offer or another offer.

3.3 More than one tariff applicable

Where the *specified retailer* is unable to determine, based on the information gathered about the customer, which of more than one *price and product information statement* applies, the *specified retailer* must either:

- (a) present a *price and product information statement* for one of the potentially applicable tariffs, which must be a flat AMI retail tariff; or
- (b) present a *price and product information statement* for each of the potentially applicable tariffs.

In doing so, the *specified retailer* must electronically communicate to the customer that it is not clear, based on the information gathered about the customer, which of more than one *price and product information statement* applies.

3.4 Information requirements

Each *price and product information statement* must at least include:

- (a) all fees and charges separately disclosed, including the tariff and early termination fees, if applicable;
- (b) the term of the contract and the termination notification required;
- (ba) without limiting paragraph (c), if the tariff is a flexible AMI retail tariff,
 - a clear and simple explanation of;
 - whether the right to revert exists;
 - the rights of a customer to opt-out of the tariff and revert to the previously applying AMI retail tariff;
 - where the customer can obtain further information about its rights under the Advanced Metering Infrastructure (AMI Tariffs) Order in Council 2013 (made under section 46D of the Electricity Industry Act 2000s; and
 - a website address for the relevant part of the Department of State Development, Business and Innovation website;
- (c) an explanation of how the tariff and other fees and charges can change, if applicable;

- (d) a description of the characteristics relevant to determining whether the tariff or term or condition is applicable to a customer;
- (e) the following statement:

“About this document

This price and product information statement is presented in accordance with the requirements of the Essential Services Commission (ESC) - the independent regulator of the retail energy industry in Victoria. For information about choosing an energy retailer, visit www.esc.vic.gov.au/yourchoice.”

The *price and product information statement* must also include details of, if applicable:

- (f) rebates, other than government-funded rebates;
- (g) non-price incentives;
- (h) where a different tariff is applicable at different times, when the different tariffs apply;
- (i) where the *specified retailer* intends to make the tariff or any other element of the published details available only for a fixed period, the availability end date; and
- (j) how to get further information on the terms and conditions

3.5 Format requirements

- (a) The *specified retailer* must title and refer to the published information as “Price and product information statement”;
- (b) The *specified retailer* must specifically identify each *price and product information statement* with a unique name or reference code or both;
- (c) All monetary amounts must be shown on both a GST-exclusive and GST-inclusive basis;
- (d) Variable fees and charges that relate to energy consumed must be expressed as cents per kilowatt hour or megajoule, as appropriate; and
- (e) Any fixed fees or charges relating to the supply of energy must be expressed as either dollars per day or in a manner which shows how these fees or charges are billed and calculated.

An example *price and product information statement* is set out in Schedule B. The *specified retailer* may present its *price and product information statement* in an alternative format to that set out in Clause 3.4 and Clause 3.5 with the Commission’s prior approval.

3.6 Timing of update

A *price and product information statement* must be updated within five *business days* of any change to the information presented in the statement.

4. OFFER SUMMARY

4.1 Offer summary to be provided

A *retailer* must provide an *offer summary* in writing to a *small retail customer*:

- (a) on request by the customer; and
- (b) when providing the customer the terms or information about the terms of any new retail contract, including when engaging in any marketing activity.

4.2 Information requirements

Each *offer summary* must include at least:

- (a) the information set out in clauses 3.4(a) to (c) and (f) to (j);
- (b) In relation to any fixed fees or charges relating to the supply of energy, the number of days in the period to which the charge relates;
- (c) the following statement:
“For information about choosing an energy retailer visit www.esc.vic.gov.au/yourchoice”

For the purpose of avoiding any confusion:

- the *offer summary* must be a separate document to the full contractual terms and conditions; and
- may include other information.

4.3 Format requirements

All monetary amounts presented on the *offer summary* must be shown on both a GST-exclusive and GST-inclusive basis.

4A. RELEVANT PUBLISHED OFFERS (ENERGY PRICE FACT SHEETS)

4A.1 Energy Price Fact Sheet as an alternative

In lieu of the requirements in clause 3.4 and paragraph 3.5(a), an energy price fact sheet may be prepared in accordance with the content and format requirements set out in sections 2.2, 2.3 and 2.4 of the Australian Energy Regulator’s “AER Retail Pricing Information Guideline Version 3.0” except that the retailer must omit item 6 in section 2.3.3 and instead include the statement:

“This Energy Price Fact Sheet is presented in accordance with requirements of the Essential Services Commission (ESC) – the independent regulator of the retail energy industry in Victoria. For information about choosing an energy retailer, visit www.esc.vic.gov.au/yourchoice.”

and must nonetheless include the explanations required by clause 3.4(ba) of this guideline.

4A.2 Energy Price Fact Sheet as publication of standing offer

An Energy Price Fact Sheet complying with the requirements of clause 4A.1 may be published by a retailer on its internet site in satisfaction of the requirement set out in clause 2.1(a).

5. OTHER REQUIREMENTS

All information in a *price and product information statement* or *offer summary* must be written in plain English and be designed to be readily understandable by *customers*. Additional information included in an *offer summary*, beyond the requirements specified in this guideline, should be appropriate and not excessive.

In presenting a *price and product information statement* or *offer summary*, a *retailer* must comply with all applicable legislative and regulatory requirements, including, but not limited to, the *Privacy Act 1988* (Cth), *Trade Practices Act 1974* (Cth), *Fair Trading Act 1999* (Vic), and the *Code of Conduct for Marketing Retail Energy in Victoria*.

6. DEFINITIONS & INTERPRETATION

6.1 Definitions

In this guideline:

AMI retail tariff means an AMI tariff within the meaning of paragraph (a) of the definition of *AMI tariff* in section 46B of the EI Act.

business day means any day other than a Saturday, Sunday or day appointed a public holiday under the *Public Holidays Act 1993* (Vic);

Commission means the Essential Services Commission established under the *Essential Services Commission Act 2001*;

customer has the meaning given under the *Energy Retail Code*;

domestic or small business customer has the meaning given under section 3 of the *Electricity Industry Act 2000* and under section 3 of the *Gas Industry Act 2001*;

Energy Price Fact Sheet means a statement prepared by a *specified retailer* that contains information on its standing offer contracts and market offer contracts. This can be used as an alternative to a price and product information statement.

flat AMI retail tariff means an AMI tariff where the component rates of that tariff do not vary by reference to:

- (a) the time of day;
- (b) the amount of electricity supplied or sold during the day;
- (c) temperature, whether actual or forecast; or
- (d) other characteristics that vary during the day.

Notes: 1. Paragraph (b) does not exclude block tariffs from being flat AMI tariffs;
2. The definition does not exclude from being flat AMI retail tariffs, tariffs that vary seasonally.

flexible AMI tariff means an AMI retail tariff that is not a flat AMI retail tariff and that was first made available on or after 24 June 2013.

offer summary means a statement prepared by a ***retailer*** pursuant to its obligations under clause 4 of this guideline;

Order in Council means the Order in Council made under section 7AA of the *Electricity Industry Act 2000* or made on under section 7A of the *Gas Industry Act 2001*, as appropriate;

meter type has the meaning given under the ***Order in Council***;

price and product information statement means a statement prepared by a ***specified retailer*** pursuant to its obligations under section 36A of the *Electricity Industry Act 2000* or under section 43A of the *Gas Industry Act 2001*;

retailer has the meaning given under section 3 of the *Electricity Industry Act 2000* and under section 3 of the *Gas Industry Act 2001*;

reversion period means the period from the date of the commencement of the Advanced Metering Infrastructure (AMI Tariffs) Orders in Council 2013, 24 June 2013 to 31 March 2015.

small retail customer has the meaning given under section 3 of the *Electricity Industry Act 2000* and under section 3 of the *Gas Industry Act 2001*;

standing offer, in respect of a ***retailer***, has the same meaning as a “licensee standing offer” under section 3 of the *Electricity Industry Act 2000* and under section 3 of the *Gas Industry Act 2001*;

specified retailer has the meaning given under section 3 of the *Electricity Industry Act 2000* and under section 3 of the *Gas Industry Act 2001*;

6.2 Interpretation

In this guideline:

- (a) headings and footnotes are for convenience only and do not affect the interpretation of this guideline;
- (b) words importing the singular include the plural and vice versa;

- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
- (e) a reference to a clause is to a clause of this guideline;
- (f) a reference to any statute including an Act, regulation, proclamation, order in council, ordinance or by-law, includes all statutes, regulations, proclamations, orders in council, ordinances or by-laws varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, orders in council, ordinances, by-laws and determinations issued under that statute;
- (g) a reference to a document or a provision of a document includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document;
- (h) a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns;
- (i) other parts of speech and grammatical forms of a word or phrase defined in this guideline have a corresponding meaning.

SCHEDULE A²

[RETAILER NAME]
STANDING/RELEVANT PUBLISHED OFFER – ELECTRICITY RESIDENTIAL
DISTRIBUTION ZONE –
DATE OF PUBLICATION -

<i>Residential, single rate</i>	Tariff	Unit	Ex GST	Inc GST
Domestic – General	First [] kWh/qtr	c/kWh		
	Next [] kWh/qtr	c/kWh		
	Balance kWh/qtr	c/kWh		
	All consumption	c/kWh		
	Supply charge	\$/day		

<i>Residential, two-rate</i>	Tariff	Unit	Ex GST	Inc GST
Residential Domestic – General plus hot water and heating	Peak - First [] kWh/qtr	c/kWh		
	Peak - Next [] kWh/qtr	c/kWh		
	Peak – Balance kWh/qtr	c/kWh		
	Off-peak - First [] kWh/qtr	c/kWh		
	Off-peak - Next [] kWh/qtr	c/kWh		
	Off-peak – Balance kWh/qtr	c/kWh		
	All consumption	c/kWh		
	Supply charge	\$/day		

<i>Residential, two-rate Jemena and United Energy DB only</i>	Tariff	Unit	Ex GST	Inc GST
Residential Domestic – General plus hot water and heating (all except J6/JT)	Peak - First [] kWh/qtr	c/kWh		
	Peak - Next [] kWh/qtr	c/kWh		
	Peak – Balance kWh/qtr	c/kWh		
	Off-peak – First [] kWh/qtr	c/kWh		
	Off-peak - Next [] kWh/qtr	c/kWh		
	Off-peak – Balance kWh/qtr	c/kWh		
	All consumption	c/kWh		
	Supply charge	\$/day		

² A **retailer** may request an amendment to the structure of the templates in this Schedule as new tariffs are introduced. For avoidance of doubt, a **retailer** does not need to seek the Commission’s approval when adding a new step tariff to the templates in Schedule A.

Residential Domestic – General plus hot water and heating (J6/JT)	Peak - First [] kWh/qtr	c/kWh		
	Peak - Next [] kWh/qtr	c/kWh		
	Peak – Balance kWh/qtr	c/kWh		
	Off-peak – First [] kWh/qtr	c/kWh		
	Off-peak - Next [] kWh/qtr	c/kWh		
	Off-peak – Balance kWh/qtr	c/kWh		
	All consumption	c/kWh		
	Supply charge	\$/day		

<i>Residential, time-of-use</i>	Tariff	Unit	Ex GST	Inc GST
Domestic – Time of Use	Peak - First [] kWh/qtr	c/kWh		
	Peak - Next [] kWh/qtr	c/kWh		
	Peak – Balance kWh/qtr	c/kWh		
	Off-peak – First [] kWh/qtr	c/kWh		
	Off-peak - Next [] kWh/qtr	c/kWh		
	Off-peak – Balance kWh/qtr	c/kWh		
	All consumption	c/kWh		
	Supply charge	\$/day		

<i>Residential, flexible</i>	Tariff	Unit	Ex GST	Inc GST
Domestic flexible	Peak time ^A 3pm to 9pm weekdays	c/kWh		
	Shoulder time 7am to 3pm weekdays	c/kWh		
	Shoulder time 9pm to 10pm weekdays	c/kWh		
	Shoulder time 7am to 10pm weekends	c/kWh		
	Off peak time 10pm to 7am all days	c/kWh		
	Supply Charge	\$/day		

^A All times are standard time except when summer time is in force in which case all times are summer time.

[RETAILER NAME]

**STANDING/RELEVANT PUBLISHED OFFER – ELECTRICITY SMALL BUSINESS
DISTRIBUTION ZONE –
DATE OF PUBLICATION -**

<i>Small business, single-rate</i>	Tariff	Unit	Ex GST	Inc GST
Business – General	First [] kWh/qtr	c/kWh		
	Next [] kWh/qtr	c/kWh		
	Balance kWh/qtr	c/kWh		
	All consumption	c/kWh		
	Supply charge	\$/day		

<i>Small business, two-rate</i>	Tariff	Unit	Ex GST	Inc GST
Business – General plus Heating	Peak - First [] kWh/qtr	c/kWh		
	Peak - Next [] kWh/qtr	c/kWh		
	Peak – Balance kWh/qtr	c/kWh		
	Off-peak - First [] kWh/qtr	c/kWh		
	Off-peak - Next [] kWh/qtr	c/kWh		
	Off-peak – Balance kWh/qtr	c/kWh		
	All consumption	c/kWh		
Supply charge	\$/day			

<i>Small business, time-of-use</i>	Tariff	Unit	Ex GST	Inc GST
Business – Time of Use 5 Days	Peak - First [] kWh/qtr	c/kWh		
	Peak - Next [] kWh/qtr	c/kWh		
	Peak – Balance kWh/qtr	c/kWh		
	Off-peak - First [] kWh/qtr	c/kWh		
	Off-peak - Next [] kWh/qtr	c/kWh		
	Off-peak – Balance kWh/qtr	c/kWh		
	All consumption	c/kWh		
	Supply charge	\$/day		
Business – Time of Use 7 Days	Peak - First [] kWh/qtr	c/kWh		
	Peak - Next [] kWh/qtr	c/kWh		
	Peak – Balance kWh/qtr	c/kWh		
	Off-peak - First [] kWh/qtr	c/kWh		
	Off-peak - Next [] kWh/qtr	c/kWh		
	Off-peak – Balance kWh/qtr	c/kWh		
	All consumption	c/kWh		
Supply charge	\$/day			

<i>Small business, time-of-use Powercor and SPAusNet DB only</i>	Tariff	Unit	Ex GST	Inc GST
Farm 7 Days Time of Use	Peak - First [] kWh/qtr	c/kWh		
	Peak - Next [] kWh/qtr	c/kWh		
	Peak – Balance kWh/qtr	c/kWh		
	Off-peak - First [] kWh/qtr	c/kWh		
	Off-peak - Next [] kWh/qtr	c/kWh		
	Off-peak – Balance kWh/qtr	c/kWh		
	All consumption	c/kWh		
	Supply charge	\$/day		
Farm (B1/B2)	Peak - First [] kWh/qtr	c/kWh		
	Peak - Next [] kWh/qtr	c/kWh		
	Peak – Balance kWh/qtr	c/kWh		
	Off-peak – First [] kWh/qtr	c/kWh		
	Off-peak - Next [] kWh/qtr	c/kWh		
	Off-peak – Balance kWh/qtr	c/kWh		
	All consumption	c/kWh		
Supply charge	\$/day			

[RETAILER NAME]

**STANDING/RELEVANT PUBLISHED OFFER – GAS
DISTRIBUTION ZONE –
DATE OF PUBLICATION -**

<i>Residential</i>	Tariff	Unit	Ex GST	Inc GST
Domestic – General	Peak - First [] MJ / 2 months	c/MJ		
	Peak - Next [] MJ / 2 months	c/MJ		
	Peak – Balance MJ / 2 months	c/MJ		
	Off-peak - First [] MJ / 2 months	c/MJ		
	Off-peak - Next [] MJ / 2 months	c/MJ		
	Off-peak – Balance MJ / 2 months	c/MJ		
	All consumption	c/MJ		
	Supply charge	\$/day		
Domestic – Bulk Hot Water to Flats	All gas - MJ / 2 months	c/MJ		
	Hot water charge	c/Litre		
	Hot water conversion factor	MJ/Litre		

<i>Small Business</i>	Tariff	Unit	Ex GST	Inc GST
Business – General	Peak - First [] MJ / 2 months	c/MJ		
	Peak - Next [] MJ / 2 months	c/MJ		
	Peak – Balance MJ / 2 months	c/MJ		
	Off-peak - First [] MJ / 2 months	c/MJ		
	Off-peak - Next [] MJ / 2 months	c/MJ		
	Off-peak – Balance MJ / 2 months	c/MJ		
	All consumption	c/MJ		
	Supply charge	\$/day		

Gas Distribution Zones

Envestra Victoria	Multinet	SP AusNet
Central 1	Main 1	Central 1
Central 2	Main 2	Central 2
North	Yarra Valley	West
Murray Valley	South Gippsland	Adjoining Central
Bairnsdale		Adjoining West
Envestra Albury		
Cardinia		
Mildura		

SCHEDULE B

Retailer Name

(Branding Banner)

Price and Product Information Statement

This information statement presents a summary of the tariff and terms and conditions applicable to this offer. If you would like further information or are interested in taking up this offer, follow the links to the quoting page on our website or call xxxx.

Product Name and / or Code

DATE OF PUBLICATION

PRODUCT DETAILS

[insert applicable details, such as, closing date, term and termination notification required, details of how tariffs can change, rebates, non-price incentives]

ELECTRICITY

Electricity Tariffs

As set out in Schedule A

Supply Charge (\$/Day) (or how billed and calculated)

Excluding GST

XX.xxx

XX.xxx

Including GST

XX.xxx

XX.xxx

GAS

Gas Tariffs

As set out in Schedule A

Supply Charge (\$/Day) (or how billed and calculated)

Excluding GST

XX.xxx

XX.xxx

Including GST

XX.xxx

XX.xxx

ELIGIBILITY

The details presented in this Price and Product Information Statement are for a [residential/small business] customer located in the [insert] distribution area with a [insert meter type] and [insert any other eligibility criteria].

About this document

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