

Submission in response to the Electricity Code Consultative Committee's 2024 Review of the Code of Conduct for the Supply of Electricity to Small Use Customers – Consultation on draft decision

Submission date: Friday, 23 May 2025

Lodged online at: www.era.com.au/consultation

Attention: Sara O'Connor, ECCC Chair

Submission by:

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Introduction

We acknowledge the Electricity Code Consultative Committee (**ECCC**) for this latest opportunity to contribute to the 2024 review of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2022* (**review** and **Code**, respectively).

We have previously contributed to the review's public consultation process through our submission in response to the ECCC's draft review report dated 8 October 2024 (**first submission**). The review is now focused on the draft decision published by the Economic Regulation Authority (**ERA**) on 5 May 2025 (**draft decision**), which responds to the ECCC's recommendations outlined in its final review report from December 2024.

The purpose of this brief submission is to:

- Provide the ECCC our supplementary submission to the review – previously provided to the ERA by email dated 11 December 2024 (**supplementary submission**); and
- Emphasise the policy commitments contained in the national First Nations Clean Energy Strategy – and their impact on current and future review processes at the state level.

Our research group

We are an interdisciplinary group of researchers based at the Australian National University and Nulungu Research Institute at the University of Notre Dame, whose work seeks to support First Nations rights and interests in the energy transition through research

conducted in partnership with Indigenous-led organisations and communities. Our submissions to this review draw on insights from the emerging evidence base of our collective research outputs.

Supplementary submission

We provide our supplementary submission for consideration by the ECCC, as set out in the **Annexure**.

By way of background, we provided our supplementary submission to the ERA by email on 11 December 2024. It addresses the Australian Government's First Nations Clean Energy Strategy, which was released on 6 December 2024 – a few days after the ECCC's final review report was published on 4 December 2024.

The First Nations Clean Energy Strategy is a national strategy committed to by all state and territory energy ministers reflecting a coordinated commitment to “support First Nations people to self-determine how they participate in, and benefit from, Australia’s clean energy transition”. Amongst other things, the Strategy demonstrates a commitment across states and territories to improving energy access of regional and remote First Nations households including those using prepayment systems. In Western Australia, these policy commitments have direct relevance to the scope of rights and protections provided in the Code as well as associated laws and regulations and energy support programs.

The Strategy includes specific policy actions to be actioned and implemented at the sub-national level including (relevantly) the prohibition of household disconnections during extreme heat and enhancing consumer protections for households experiencing financial difficulties or hardship.

We outline a range of policy implications as they relate to the Code in our supplementary submission and hope they can be considered as part of the current review.

That said, we are conscious that the range of policy commitments evidenced in the Strategy may be beyond the scope of this review. For example, at this stage of the review there are only a limited range of matters being considered which are relevant to regional and remote-living prepayment customers. We appreciate that may be specific procedural challenges to including additional policy considerations or re-enlivening particular issues at this late stage e.g., some of the relevant issues – such as codifying extreme weather protections – did not proceed beyond the ECCC's draft review stage and are therefore not included in the ERA's draft decision.

If the policy issues raised in the Strategy (and our supplementary submission) are considered incompatible with the timeframe and remit of the current review, we urge the ECCC and ERA to prioritise the implementation of the Strategy within relevant state policies and codes as part of a discrete review process.

In this regard, we support the ECCC and ERA's commitment to prioritising issues affecting regional and remote First Nations households including those using prepayment systems households in future reviews of the Code, as indicated during our online meeting with members of the ERA Secretariat on 29 October 2024.

We also understand that the Australian Government is working with states and territories to coordinate the rollout of the Strategy and would be interested to know more about potential roles for the ECCC and ERA as part of this process.

We welcome any questions relating to this submission.

Annexure

Supplementary submission in response to the 2024 Review of the Code of Conduct for the Supply of Electricity to Small Use Customers

Submission date: Wednesday, 11 December 2024

Attention: Emma Forrest (Assistant Director, Licensing and Customer Protection);
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Additional submissions

We refer to our submission to the Electricity Code Consultative Committee's (**ECCC**) 2024 review of the *Code of Conduct for the Supply of Electricity to Small Use Customers 2022* (**WA Code review**) dated 8 October 2024. We also refer to our meeting with ERA WA staff on 29 October 2024, where we discussed the submission and recommendations in the ECCC's draft report.

Since making our submission, the Australian Government has released the First Nations Clean Energy Strategy (**FNCEs**). This new national policy includes recommendations relevant to the WA Code review and ERA WA's regulatory activities in relation to First Nations households.

Additionally, we are aware that the ECCC recently released its final decision on the WA Code review. The final decision includes amongst other things, a recommendation that codified protections from disconnection for households during extreme weather should not proceed in favour of informal frameworks.

Given the significance of the FNCEs to the WA Code review (which is ongoing), we would like to bring your attention to relevant recommendations and actions contained in the FNCEs, as set out below.

1. The FNCES was released by the Australian Government on 6 December 2024. It is a national strategy developed in consultation with First Nations to establish:
*the principles and actions required by all jurisdictions of Australian governments, industry and community to ensure that First Nations peoples' rights and interests are affirmed as an essential component of this [energy] transition.*¹
2. Amongst the FNCES' key guiding principles is that "First Nations peoples maintain their right to live on their land, with access to reliable and affordable clean energy".²
3. The FNCES includes objectives and actions to achieve this goal. Objective 1.1 focuses on equitable energy access and consumer protections for remote First Nations communities currently outside the regulated energy markets and for First Nations households using prepayment and/or experiencing energy hardship.
4. For these households, the Australian Government recommends (amongst other things) the implementation and/or improvement of regulatory protections at the state level, including actions such as:
 - *Mandating the reporting of disconnection data from utility providers;*
 - *Aligning hardship and disconnection protections with those in the National Energy Customer Framework where appropriate and necessary;*
 - *Updating prepayment meter system to reflect technological improvements in systems since the code was introduced in 2005;*
 - *Prohibiting disconnections when temperatures rise above a certain threshold;*
 - *Entrenching protections for vulnerable groups e.g. people with medical conditions requiring a reliable source of electricity; and*
 - *Requiring utilities to offer payment plans for consumers who have fallen behind on their payments.*³
5. These policy recommendations align with our submissions to the WA Code review focused on improving consumer protections for prepayment households in WA. They also align with our submissions relating to the need for codified protections from disconnection for households during extreme conditions.
6. We urge the ERA WA to consider and apply the FNCES principles, objectives and actions as the WA Code review progresses.
7. Immediate actions that the ERA WA could take in the context of the WA Code review include some of those previously stated in our submission, such as:
 - a. Codified requirements for retailer hardship policies to provide minimum supports for prepayment customers who self-identify as experiencing payment difficulties or hardship, or who are identified by the retailer as experiencing hardship
 - b. Minimum supports available to prepayment customers experiencing payment difficulties or hardship to include financial supports designed to

¹ Australian Government, 2024, First Nations Clean Energy Strategy, p. 7. Available online at: <https://www.energy.gov.au/sites/default/files/2024-12/First%20Nations%20Clean%20Energy%20Strategy.pdf>

² As above, p. 9.

³ As above, p. 25.

prevent the occurrence of disconnection, such as a subsidised tariff and/or daily credit inputs to the meter at times of known risk of disconnection

- c. The codification of protections from disconnection for non-payment of a bill during extreme conditions
 - d. The codification of equivalent protections and/or alternative forms of assistance for prepayment meter customers to prevent household disconnection during extreme conditions.
8. More broadly, we urge the ERA WA to commit to implementing the FNCES principles, objectives and actions across the WA Code and its regulatory activities.

We thank you for considering this supplementary information and look forward to contributing to upcoming consultations as the WA Code Review proceeds.