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Mr Paul Kelly
ECCC Chairman
C/O- Level 6, 197 StGeorges Terrace
PERTH WA 6000

Dear Mr Kelly

Proposed Amendment to Clause 9.6(b) of the Code of Conduct (for the Supply of Electricity to Small Use Customers)

Consumer Credit Legal Service (WA) Inc. is a non-profit community legal service specialising in utilities, credit, banking, and financial services in general. CCLSWA provides legal advice, assistance, and representation to low income, vulnerable, and disadvantaged consumers of financial services.

CCLSWA also represents consumers who do not fall within this category where to do so would be in the public interest. As part of our public interest role, the service is active in community legal education and policy and law reform.

The Code of Conduct (for the Supply of Electricity to Small Use Customers) (the Code) establishes an extensive consumer protection and disclosure regime for the supply of electricity to small use customers. However, in our opinion, the limited scope of Part 9 of the Code (which addresses pre-payment meters) currently does not provide sufficient protection to pre-payment meter customers and CCLSWA is generally opposed to any amendment that would further erode consumer protection under Part 9.

It follows that CCLSWA has some concerns about the proposed amendments to Section 9.6(b) of the Code.

CCLSWA agrees that Section 9.6(b) in its current form does not provide sufficient flexibility for recharge facility suppliers to manage their own opening hours according to the unique circumstances of their communities, making compliance with this section of the Code difficult.

However, CCLSWA recognises the vulnerable nature of pre-payment meter customers in Western Australia. In particular, we are aware of evidence that indicates that residents of remote communities lack money management skills and financial education. In addition, they lack negotiating or bargaining power and are vulnerable due to the remoteness of their communities.

Given the above, CCLSWA acknowledges the importance of balancing feasible trading practices and providing consumer protection to pre-payment meter customers. However, any amendment to Section 9.6(b) should not be to the detriment of any pre-payment customers.

The proposed amendment significantly reduces access to recharge facilities. In particular, under the amendment suppliers of recharge facilities within ARCPSP communities will only be required to provide customers with access to recharge facilities for 15 hours a week. Under the current provision, they are required to provided access for 40 hours a week. This is a total reduction of 25 hours a week under the proposed amendment.

We note that the purpose of the amendment is to ensure that the Code prescribes opening hours appropriate to the communities participating in the ARCPSP. In our opinion, it is questionable whether the prescribed opening hours need to be reduced to just 3 hours a day to provide the ARCPSP communities the flexibility required to fulfill the purpose of the amendment.

Further, under the proposed amendment, circumstances may arise where a pre-payment metre customer within an ARCPSP community may have to wait almost 3 days to access a recharge facility. This situation could arise if a recharge facility supplier closes early on Friday and does not reopen until late on Monday. It follows that the discretionary nature of the proposed amendment may cause further detriment to already vulnerable pre-payment meter customers.

We also note that the proposed amendment differentiates between those customers living within an ARCPSP community and those living outside these communities. This means that pre-payment customers residing in the Town Reserve Regularisation Program have greater access to recharge facilities than those residing within ARCPSP communities. CCLSWA does not support this as it is inequitable.

Further or alternatively, we understand that the Authority proposes to exercise its power in any event under section 79 of the Electricity Act to make the proposed amendment to Section 9.6(b) of the Code. In the event that Section 9.6(b) is amended as proposed, CCLSWA proposes including provision for review of Section 9.6(b) after a specified time to review its impact on pre-payment meter customers .

If you have any questions or would like to discuss this matter further, please contact me on (08) 9221 7066.

Yours sincerely

Alison Pidgeon
Solicitor