

23 May 2025

Economic Regulation Authority
4th Floor Albert Facey House
469 Wellington Street
Perth 6000

Via email: publicsubmissions@erawa.com.au

RE: ECP Submission on the Code of Conduct for the Supply of Electricity to Small Use Customers 2024 Review Draft Decision

Thank you for the opportunity to provide a submission in response to the Economic Regulation Authority's (ERA) Draft Decision on the proposed amendments to the Code of Conduct for the Supply of Electricity to Small Use Customers (the Code).

The Western Australian Expert Consumer Panel (ECP) appreciates the ERA's consideration of the Electricity Code Consultative Committee's (ECCC) recommendations and the ECP's previous submission dated 21 October 2024.

ECP Members are pleased to see that the ERA's draft decision reflects several key areas of concern raised by consumer advocates, proposing amendments that will offer tangible benefits to Western Australian electricity consumers. However, while we commend the positive steps taken, we wish to emphasise that further changes are necessary to better serve consumer interests.

1. Areas of alignment with ECP Recommendations

ECP Members welcome and support the following proposed amendments in the ERA's Draft Decision:

- **Prohibition of Paper Billing Fees for Disadvantaged Customers:** ECP Members support the proposed new clause prohibiting retailers from charging customers experiencing family violence, receiving concessions, or in financial hardship, for paper bills. This directly addresses our call for equitable treatment and aligns with protections in other utility sectors.
- **Administrative Changes for Life Support Equipment premises:** The proposed reduction in LSE self-confirmation requirements for business customers with multiple LSE users at one address (e.g. nursing homes) is a sensible administrative improvement that we support.
- **Enhanced Family Violence Protections:** We acknowledge and support the proposed changes to the family violence protections, making the disconnection moratorium optional with verifiable consent. This reflects a nuanced understanding of the needs of vulnerable customers and aligns with the principle of informed choice.

2. Areas Requiring Further Consideration

While ECP Members appreciate the ERA's consideration of the following matters, we believe the current proposals do not fully address the underlying consumer needs and urge further refinement:

- **Utilising personal usage data to assist customers select the right tariff.** The ERA's proposal to require retailers to provide customers with annual information about available tariffs falls significantly short of what is needed to empower consumers to manage their energy bills. As outlined in our October 2024 submission, and supported by a substantial body of research, providing more general information is not an effective way to engage consumers to consider and switch to better energy deals.¹ Hence, the ECP recommends that the general information provision requirement not progress in its current form. Rather, the ECP is of the strong opinion that a comparator tool would be a much better option for customers to make an informed decision on which tariff is best for them and therefore recommends that a retailer-led comparator tool requirement be added to the Code during this review process. If the ECCC and/or the ERA consider that such a tool should not be added to the Code, then the ECP recommends that at a minimum an annual 'better offer' message be included in bills where a retailer has alternative tariffs. A 'better offer' message is a message that includes a statement on the first page of the bill, under the heading "Could you save money on another plan?", where the retailer needs to advise their customer if they would be better off under one of the retailer's other plans. The Australian Energy Regulator has had this requirement in place since March 2023.

The Commonwealth Government's Behavioural Insights Team found that 74% of consumers agreed they would value having best offer information on their bill, with only 5% disagreeing.² Complementing this, research by Monash University and the Consumer Policy Research Centre shows that Best Offer reforms in the NEM have been instrumental in helping support workers—such as financial counsellors, energy mentors, migrant settlement workers, and case workers—identify clients on disadvantageous energy plans and assists them to pick the best tariff for their client.³ Given that most consumers are unlikely to know whether they are on the most suitable tariff, the inclusion of a tariff comparison tool and/or best offer message on energy bills would be a practical and effective step to empowering Western Australia energy consumers and/or the community of support workers that assists our most vulnerable citizens. For instance, it would allow financial counsellors across Western Australia to quickly assess whether their clients are on the most cost-effective plan in a timely manner, and if there is a tariff that better suits the household, then the support worker will be able to suggest to their client to alter their tariff to improve their financial position.

¹ See ECA Energy Information Research reports <https://energyconsumersaustralia.com.au/consumer-energy-information-research>

² See page 53 of the [Improving energy billing](#) Final report.

³ See page 30 of the Consumer Experiences Following Energy Market Reforms in Victoria - Qualitative Research With Community Support Workers Final Report [Q4-ConsumerExperiencesEnergyMarketReforms-22062021-1.pdf](#)

We note that Synergy informed the WA ACE Forum at its meeting on 18 March 2025 that it has no plans to introduce such a tool. In the absence of explicit requirements in the Code, we believe it is unlikely that such a tool will be implemented. We also note that the Code is scheduled to take effect on 1 January 2026 and is subject to biennial review. Given that the smart meter rollout in the SWIS is expected to be completed in 2027, all non-contestable residential and small business customers could benefit from the inclusion of such provisions in the Code during the period that this Code will be in force.

There are a significant number of customers paying more on their current tariff than they could be on an alternative tariff - possibly up to one-third of residential customers. ECP Members' view is that it is not acceptable that households under financial pressure continue to be charged more than they would be on an alternative tariff, because they are not able to easily compare what their bills could look like if they changed plans.

- **Life Support Equipment (LSE) – Periodic Review for Ongoing, Permanent Conditions**
In our previous submission, ECP Members advocated for removing the requirement for periodic (three-yearly) practitioner confirmation for LSE customers with ongoing, permanent medical conditions. We proposed that the initial certifying medical practitioner be allowed to indicate the permanent nature of the condition on the application form, thereby eliminating the need for repeated recertifications that impose unnecessary stress, cost, and administrative burden on individuals whose medical circumstances will not improve.

While we acknowledge the ERA's proposal to broaden the range of practitioners eligible to provide the three-yearly confirmation as a positive step, we remain concerned that this still imposes an unnecessary and burdensome administrative requirement on individuals with medically certified permanent conditions. We therefore urge the ECCC and the ERA to reconsider our recommendation to exempt such consumers from ongoing confirmation requirements. Implementing this change would offer meaningful relief to a particularly vulnerable group, without undermining the integrity of the Life Support Equipment (LSE) register, as there will still be the initial certification process, as well as the yearly check that the LSE customer still resides at the nominated property.

- **Service Compensation Payments – Automatic Annual CPI Indexation:** ECP Members welcome the proposed increase in service standard payment amounts to reflect CPI changes since 2010. However, to ensure these payments maintain their real value over time and to avoid the need for similar retrospective adjustments in future Code reviews, we reiterate our recommendation for the inclusion of a mechanism within the Code for automatic annual CPI indexation for all service standard payments (rounded up or down to the nearest \$5). This would provide ongoing fairness to consumers and reduce future administrative burdens.

Conclusion

ECP Members acknowledge some of the positive steps taken in the ERA's Draft Decision to enhance consumer protections in several areas. However, we request the ECCC and ERA give further consideration to:

- The critical need for a mandatory, retailer-hosted, personalised tariff comparator tool, or at the least an annual best offer message.
- The complete removal of periodic LSE reviews for customers with medically certified permanent conditions.
- The implementation of automatic annual CPI indexation for service standard payments.

We look ahead to the next review of the Code of Conduct for the Supply of Electricity to Small Use Customers, following the conclusion of this review.

Of note is that the ECP are eager to play an active role in shaping a regulatory framework that genuinely empowers consumers through the energy transition. We believe our insights and experience would add value to the process, and we would welcome the opportunity to contribute more directly through participation in the Electricity Code Consultative Committee and its associated processes.

We thank the ERA for its ongoing work and welcome the opportunity to discuss this submission further.

Yours sincerely,

The Western Australian Expert Consumer Panel