Friday 23 October 2026

Essential Services Commission
Level 8, 570 Bourke St
Melbourne VIC 3000
Sent via engage.vic.gov.au

RE: Consultation – Targeted Consumer Reforms and Regulatory Efficiency Draft Decision Paper

Dear Gerard and team,

Financial Counselling Victoria (FCVic) welcomes the opportunity to comment on the proposed targeted amendments to the Energy Retail Code of Practice, on behalf of the Victorian financial counselling sector. We give special thanks to the FCVic Essential Services Network who provided feedback into this consultation.

Overall, we support the majority of the proposed reforms, which appear to be sensible changes that reduce regulatory burden without materially reducing consumer protections. The proposed package appropriately focuses on improving clarity, aligning obligations and removing duplication while retaining the underlying protections available to Victorian consumers.

However, we are disappointed that more substantive reforms relating to family violence protections and assistance for customers with closed account debt have been deferred, including on the basis of regulatory burden. These remain significant consumer protection issues.

Closed account debt and access to payment difficulty assistance are problematic for consumers, as indicated by the case study shared directly with the ESC reform team by FCVic in July of this year, while strong family violence protections are essential to preventing energy systems and debt recovery processes from compounding harm. We encourage the ESC to establish and publish a clear timeframe for reconsidering these reforms. In doing so, the ESC should recognise that some proposals, including restrictions on requiring evidence of family violence, would align Victorian requirements with obligations already applying to many retailers under the National Energy Retail Rules and may therefore impose limited additional burden.

FCVic strongly supports the proposal to clarify that retailers must comply with their own published complaints handling and dispute resolution procedures. Retailers are already required to develop and publish these procedures, and it follows that consumers should be entitled to expect retailers to adhere to them. Clear accountability in this area will strengthen confidence in complaint handling processes and support more consistent consumer outcomes.

We also support further consideration of principles-based obligations requiring retailers to engage with customers in a way that meets their needs, taking into account customers' individual experiences across geographical boundaries and personal circumstances. However, any move towards a less prescriptive framework should be accompanied by minimum expectations about the matters that must be addressed during customer interactions, together with appropriate monitoring and accountability measures. Staff must

be adequately trained and empowered not merely to follow scripts, but to listen, understand, respond and adapt to individual customer circumstances.

Compliance and genuine customer engagement should not be treated as mutually exclusive. Prescriptive obligations were introduced because appropriate assistance was not consistently provided voluntarily, and they should not be weakened simply because some retailers have chosen to implement them through lengthy or inflexible scripts. Retailer processes should also allow staff to respond directly to the specific assistance being sought, particularly where a financial counsellor or other authorised advocate is acting for the customer, rather than requiring them to repeat or listen to generic information that does not address the issue raised.

FCVic generally supports the proposed removal of obligations that are genuinely duplicative or no longer serve their intended purpose. However, we have reservations regarding the proposal to remove start and end meter reads from bills for customers with interval meters.

Financial counsellors report that meter read information remains an important transparency measure that assists consumers and financial counsellors to understand consumption, verify billing accuracy and identify potential errors. Removing this information may make it harder for some consumers to investigate or challenge disputed bills. Any amendment to the Code with regards to this obligation must be carefully considered in the context of ongoing transparency of consumer energy usage across different tariff structures under their energy plan. If this information is removed from bills, the Code should expressly require retailers to provide the underlying start and end meter reads promptly and in an accessible format when requested by a customer or by a financial counsellor or other representative acting with the customer's authority.

Similarly, while FCVic recognises the rationale for eventually removing requirements to accept payment by mail following the phase-out of cheques, we note that some consumers, particularly older Victorians and those experiencing digital exclusion or who cannot use online banking safely, continue to rely on payment methods accessed through Australia Post and other non-digital channels. Any future reforms should ensure these consumers are not disadvantaged by the reduction in payment options and that accessible, fee-free non-digital payment methods remain available.

Finally, FCVic supports the proposed amendments relating to the Victorian Midday Power Saver Offer. While many retailer obligations will already commence through the relevant Order in Council from 1 October 2026, embedding these protections within the Code will provide greater regulatory certainty and establish stronger expectations across industry. Given retailers will already be required to comply with the underlying obligations, we encourage the Commission to consider whether the Code amendments relating to the Midday Power Saver Offer could commence earlier than the proposed 1 March 2027 implementation date.

Thank you for the opportunity to contribute to this important inquiry. Please contact FCVic's Advocacy Manager Amanda Chan on achan@fcvic.org.au if you have further questions.

Regards,

Zyl Hovenga-Wauchope
Chief Executive Officer
Financial Counselling Victoria

This submission is supported by:

Westjustice