Supplementary submission in response to ESCOSA's Limited review of Guideline 5 and community prepayment customer protections – Draft decision

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Additional submissions

We refer to our submission to ESCOSA's Limited review of Guideline 5 and community prepayment customer protections – Draft decision (**Limited review**) dated 20 September 2024.

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

Given the significance of the FNCES to the matters being considered in the Limited review, we are seeking to make supplementary submissions 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

[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.

Nations communities currently outside the regulated energy markets and for First Nations households experiencing energy hardship.

4. For these households, the Australian Government recommends (amongst other things) the implementation and/or improvement of regulatory protections, 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 in relation to consumer protections and reporting for mandatory prepayment households in Aboriginal communities across remote SA. In particular, the FNCES spotlights entrenching protections for vulnerable groups e.g. people with medical conditions requiring a reliable source of electricity; prohibiting disconnections when temperatures rise above a certain threshold; and the importance of public reporting including disconnection reporting.
6. We urge ESCOSA to consider and apply the FNCES principles, objectives and actions in its Limited review and as part of the Commission's ongoing work in developing and strengthening consumer protections for prepayment customers in South Australia.
7. Immediate actions that ESCOSA could take in the context of the Limited review include:
   a. Broadening the definition of life-support customers to include medicine storage in the context of consumer protections for prepayment meter customers

   b. Implementing extreme weather protections for prepayment customers

   c. Ensuring any changes to public reporting for mandatory prepayment customers be additive, not substitutions—to retain consistency in reporting metrics over time so that comparisons can be made

   d. Ensuring public reporting for prepayment customers enables the maximum possible comparability of metrics across South Australia and nationally; that is, both temporal and geographic consistency in reporting is important for understanding trends faced by customers.

[3] As above, p. 25.

8. The Commission can also commit to implementing the FNCES principles, objectives and actions part of its ongoing work in developing and strengthening consumer protections for prepayment customers and First Nations households in South Australia.

We thank the Commission for considering this supplementary information, which is intended as an addendum to our original submission.