

# Simply Energy pays \$20,000 for switching customer with brain injury

**14 November 2018**

*Electricity and gas*

Simply Energy has paid \$20,000 after a telemarketer allegedly arranged to switch a customer with an acquired brain injury to the company without his consent.

The Essential Services Commission issued the penalty after finding sales agents ignored requests to 'call back later' even after the man showed signs of being confused, and indicating he was unable to consent to the switch due to an acquired brain injury.

Commission chair Ron Ben-David says the whole case is disturbing.

"Over two days and four phone calls, Simply Energy's sales agent withheld key information, ignored requests to 'call back later' and disregarded the customer's wishes not to enter into a new contract," he said.

Dr Ben-David says the company's processes for ensuring appropriate consent before switching a customer failed on this occasion.

"Explicit informed consent is a core principle of customer rights and energy retailers are responsible for ensuring they, or any sales agent working on their behalf, can meet the standard required before arranging a transfer," he said.

The Victorian [Energy Retail Code](#) requires energy retailers to provide accurate, clear, full and understandable information on all matters relevant to consent. This includes providing contract

information in plain English and being able to demonstrate through appropriate record keeping that the customer is capable of, and has given consent.

**Editors' note:** The commission can issue energy industry penalty notices where it has reason to believe a business has committed an energy industry contravention. The payment of a penalty specified in the energy industry penalty notices is not an admission of a contravention of their electricity and gas retail licences.

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[Energy Retail Code](#)

This code sets out the rules electricity and gas retailers must follow when selling energy to Victorian customers.

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