



Strengthening Protections for Energy Consumers in Victoria

Consultation Paper

24 March 2026



Acknowledgement

We acknowledge the Traditional Owners of the lands and waterways on which we work and live.

We acknowledge all Aboriginal and Torres Strait Islander communities, and pay our respects to Elders past and present.

As the First Peoples of this land, belonging to the world's oldest living cultures, we recognise and value their knowledge, and ongoing role in shaping and enriching the story of Victoria.

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Contents

Acknowledgement	1
Contents	2
Summary	3
Reviewing the Energy Retail Code of Practice	3
Indicative timeline	3
Structure of this paper	3
Summary of questions for stakeholders	5
How you can participate in our process and provide feedback	6
Introduction	8
Regulating Victoria's energy retailers	8
What is the Energy Retail Code of Practice?	8
Recent reforms to the Energy Retail Code of Practice	8
Objectives of this review	9
Opportunities to reduce costs and regulatory burden	10
Strengthening family violence protections	11
Background	11
Development of our family violence protections	12
Better protections for customers experiencing or at risk of family violence	14
Extending family violence protections to embedded network customers	22
Supporting future First Nations consumers	25
Improving outcomes for First Nations consumers	25
Self-identification as a possible first step to support future reform	27
Protections for consumers with secondary meters	29
Protections for secondary metering arrangements	29
Alignment with the National Energy Retail Rules	30
Information for consumers on gas disconnection and abolishment	33
Improving processes and information on gas disconnection and abolishment	33
Potential new obligations for gas retailers	35
Improving consumer contact information for power outages	37
Improving communications with customers during power outages	37
Adding secondary contact persons or other household members	38
Clarifying protections that apply to customers with closed accounts	41
Assistance provided to customers with closed accounts	41
Clarifying protections that apply to customers with closed accounts	42
General updates and other changes	44
Requirement to publish changes of tariffs and charges in newspapers	44
Strengthening requirements for handling complaints	45
Aggregation of multi-site business customers	48
Clarifying obligations for retailers selling to customers in embedded networks	50
Opportunities for reducing costs and regulatory burden when considering reforms	51

Summary

Reviewing the Energy Retail Code of Practice

We recently published our final decision on stage one of our review of the Energy Retail Code of Practice (code of practice). The purpose of this second stage of our review is to amend the code of practice to:

- address key actual or potential harms to Victorian consumers
- clarify or update obligations identified as unclear or inconsistent
- advance the Essential Services Commission *Getting to Fair: Advancing Equity* strategy by further supporting consumers experiencing vulnerability.¹

This paper highlights the key themes and topics we intend to review. We are seeking stakeholder feedback to inform amendments to the code of practice.

Indicative timeline

The key dates for this review are as follows:

- Consultation paper: 24 March to 24 April 2026
- Draft decision: expected July 2026
- Final decision: expected September 2026.

Structure of this paper

The introduction outlines our role in regulating the energy retail sector and summarises the role of the code of practice. We then summarise our process for reviewing the code of practice, including recent updates and the objectives for this stage of the reform. Table 1 outlines the key themes of this review.

¹ Essential Services Commission, *Getting to Fair: Advancing Equity Consultation Paper*, December 2025.

Table 1 – Themes and key focus areas

Theme	Key focus areas
<u>Strengthening family violence protections</u>	<p>We are considering strengthening the following aspects of family violence protections:</p> <ul style="list-style-type: none"> • account security • training • communication and support • family violence policies • debt collection • disconnection. <p>We are also considering extending protections for embedded network customers.</p>
<u>Supporting future First Nations customer reforms</u>	<p>We are seeking to understand how to improve outcomes for First Nations customers in the energy retail market.</p> <p>We welcome feedback on the most appropriate way forward to support First Nations consumers.</p>
<u>Protections for consumers with secondary meters</u>	<p>We are considering rule changes to protect Victorian customers engaging in flexible trading. This is in response to the Australian Energy Market Commission’s (AEMC) new rules permitting electricity retailers to separately manage and meter a customer’s flexible Consumer Energy Resources (CER).</p>
<u>Information for consumers on gas disconnection and abolishment</u>	<p>We are considering new requirements for retailers to provide clear information to a customer who wants to disconnect from gas networks.</p>
<u>Improving consumer contact information for power outages</u>	<p>We are considering requiring retailers to take steps to improve the quality of contact information shared with distributors. This may include the collecting the details of a secondary contact person to improve communication during unplanned outages.</p>
<u>Clarifying protections that apply to customers with closed accounts</u>	<p>We are proposing to clarify the minimum standards of assistance that retailers should provide to customers who have closed their accounts while in debt.</p>

[General updates and other changes](#)

We are considering removing the requirement to publish notices and changes to standing offer prices in newspapers.

We are considering changes to the requirements for complaint and dispute resolution procedures to improve their clarity and effectiveness.

We are seeking feedback on opportunities to reduce costs and regulatory burden when considering potential reforms. We also note broader government policy considerations for aggregation of multi-site business customers.

Summary of questions for stakeholders

Theme	Questions for stakeholders
Strengthening family violence protections	<p>Q1. Should we make changes to the code of practice to strengthen family violence protections? If so, what should change?</p> <p>Q2. What family violence obligations should apply to exempt persons operating embedded networks? Are there particular complexities we should take into account when considering new obligations in this context?</p>
Supporting future First Nations customer reforms	<p>Q3. Are changes required to support cultural safety for First Nations customers? If so, what are these changes?</p> <p>Q4. What measures could retailers take to support self-identification in a culturally safe way?</p> <p>Q5. What should we consider in relation to the handling of data and information about First Nations customers?</p>
Supporting consumers in the energy transition	<p>Q6. What should we take into account when considering extending the protections of the code of practice to secondary meters?</p>
Information for consumers on gas disconnection and abolishment	<p>Q7. Should retailers be required to give customers information about gas disconnection or abolishment? If so, what information should they need to provide?</p> <p>Q8. Are there other changes we should consider to support customers who have disconnected from gas or closed their gas accounts?</p>

Improving consumer contact information for power outages	<p>Q9. Should retailers be required to collect information from a secondary contact person (and potentially additional members of a household)?</p> <p>Q10. Should retailers be required to improve the quality of the customer contact data they hold? If so, how?</p>
Clarifying protections that apply to customers with closed accounts	<p>Q11. In your view, is there sufficient clarity in the code of practice about which minimum standards of assistance apply to customers with closed accounts?</p> <p>Q12. What considerations should we take into account if we were to clarify protections that apply to customers with closed accounts?</p>
Requirement to publish changes of tariffs and charges in newspapers	Q13. What matters should we take into account when considering removing the requirement to publish variations to standing offer prices in newspapers (relying on online publication only)?
Strengthening requirements for handling complaints	Q14. Do you agree with our assessment of the provisions related to complaint handling and dispute resolution that should be made more consistent?
Aggregation of multi-site business customers	Q15. Do you have any views on the aggregation of multi-site business customers for the purpose of disapplying protections in our code of practice?
Clarifying obligations for retailers selling to customers in embedded networks	Q16. What opportunities are there to provide the same protections for embedded network customers as for other customers?
Opportunities for reducing costs and regulatory burden when considering reforms	Q17. Do you see any opportunities for reducing costs and regulatory burden when we consider potential reforms to the code of practice?

How you can participate in our process and provide feedback

Submissions should be made via Engage Victoria by **5pm on 24 April 2026**.

We will consider previous feedback to our 2024 issues paper where it relates to the scope of this consultation paper. We will also consider submissions to the commission's recent consultation on our [Getting to Fair: Advancing Equity](#) strategy.

Summary

Submissions will be published on the commission's website, except for any information deemed commercially sensitive or confidential. This is in accordance with our [submissions policy](#).

Submissions should clearly identify which information you consider sensitive or confidential and the basis for your reasons.

We are open to meeting with individual stakeholders to discuss specific feedback. We will continue to proactively engage with the community, industry, government departments, agencies and support organisations through individual meetings as this review progresses. There will be more opportunities to be involved in our consultation process once we release our draft updated code of practice and draft decision. If you have any questions or would like to arrange a meeting, please contact us at energyreform@esc.vic.gov.au.

Introduction

Regulating Victoria's energy retailers

The Essential Services Commission is Victoria's independent energy regulator. One of our functions is to regulate electricity and gas retail licensees (retailers). We are responsible for:

- issuing licences
- setting licence conditions
- registering exemption holders
- setting consumer protections and standards of conduct through codes of practice
- issuing guidelines and providing education to encourage and assist voluntary compliance
- monitoring compliance with the energy legislation and rules
- taking compliance or enforcement action in relation to non-compliance.

In exercising our powers to make, amend or revoke codes of practice, our objective is to promote the long-term interests of Victorian consumers. In seeking to achieve this objective, we must consider the price, quality and reliability of essential services.

What is the Energy Retail Code of Practice?

The code of practice sets out the consumer protections and obligations which retailers must follow when selling energy to Victorian consumers. It includes obligations on:

- marketing and other obligations before entering into a retail contract
- retail contracts, including rights and obligations once a retail contract is entered into
- assistance for residential customers anticipating or facing payment difficulties
- assistance for customers affected by family violence
- life support obligations
- termination of retail contracts
- disconnection of premises.

We periodically review the code of practice to ensure that it remains fit-for-purpose in supporting the long-term interests of Victoria energy consumers.

Recent reforms to the Energy Retail Code of Practice

We began a review of the code of practice by releasing an [issues paper](#) in June 2024.

The Energy and Climate Change Ministerial Council (ECMC) decided to advance a set of priority energy consumer reforms in July 2024.

The Victorian Minister for Energy and Resources requested that we consider how the ECMC's consumer reforms could be implemented in Victoria in October 2024.

In response, we split our review into two stages. We published a [discussion paper](#) for stage one of the review on 24 October 2024. In this discussion paper we sought stakeholder views on the reforms proposed by the ECMC that had not yet implemented in Victoria.

The [final decision](#) for the first stage of our review was completed on 30 September 2025. These reforms included important changes to Victoria's energy retail rules to protect consumers. This included reforms to:

- require retailers to switch customers experiencing payment difficulty to their best offer
- protect customers on older contracts from paying higher prices
- improve the ability for customers to switch to the best offer
- improve customer access to cheaper offers
- improve the application of concessions on bills
- improve awareness of the independent dispute resolution services available to consumers
- extend protections for customers on legacy contracts
- increase the best offer threshold and minimum debt amount for disconnection.

Objectives of this review

Addressing consumer harms

The first objective of this review is to address areas of actual or potential consumer harms. This covers some key topics in our June 2024 consultation paper, including:

- strengthening family violence protections
- protecting embedded network customers
- First Nations experiences in the energy market
- protecting consumers in the energy transition and during unplanned outage events.

Aligning rules with other jurisdictions

The second objective of this review is to harmonise rules with other jurisdictions where it is reasonable to do so, and if it will not result in reduced protection for Victorian consumers.

Improving clarity, consistency and enforceability

The third objective is to progress amendments to improve clarity, consistency and enforceability of current rules.

Opportunities to reduce costs and regulatory burden

We want to achieve the objectives of our review at least cost for businesses and consumers. We are also seeking opportunities to reduce regulatory burden where possible and where there is no harm to consumers.

During stage one of our review, we worked closely with interested parties to refine reform options and to implement new rules in ways that would reduce implementation costs. We value this engagement and we will continue to seek opportunities to reduce costs when considering new reforms.

If we introduce new protections for Victorian energy consumers in this second stage of our review, we want to make sure that this is done as efficiently as possible. In our review we are seeking to balance the costs and benefits of potential reforms. We are inviting feedback on how proposed changes can be designed to operate efficiently and deliver meaningful benefits. We also welcome views on opportunities to simplify or streamline existing requirements, where this can be done in a way that maintains or strengthens consumer protections and supports a better functioning energy retail market.

Strengthening family violence protections

We are reviewing family violence protections for energy consumers. We want to ensure there are strong protections in place for the security and support of customers affected by family violence. We are considering changes to the code of practice as part of this review. However, in some cases the best outcomes may be achieved through other means, such as better practice.

We are seeking feedback on the following topics:

- family violence policies
- training
- communication
- account security
- evidence
- debt collection
- disconnection.

We are considering extending family violence protections to embedded network customers. We consider that these customers should be entitled to the same standards of protection that other customers are entitled to when managing their personal and financial security. These protections include receiving safe, supportive and flexible assistance.

Background

Twenty-six per cent of women in Victoria have experienced violence, emotional abuse or economic abuse by a cohabitating partner since the age of 15.²

Retailers and exempt persons can play an important role in protecting a customer's personal and financial safety. Strong minimum requirements ensure that retailers and exempt persons are delivering consistent and appropriate support to customers affected by family violence.

² 'Personal Safety, Australia', Australian Bureau of Statistics 2021-22, accessed 20 January 2026, <https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/latest-release>.

Development of our family violence protections

We introduced family violence requirements for water and energy businesses following the Victorian Royal Commission into Family Violence in 2015. The Royal Commission recommended we amend our water and energy codes to introduce specific protections for customers affected by family violence.³

Since then, we have introduced family violence obligations to our Water Customer Service Codes and the Energy Retail Code of Practice. We also created a better practice handbook to support our regulated sectors to build safe and effective responses to family violence.⁴

We reviewed the family violence rules in the Water Customer Service Codes in 2022–23 and the better practice handbook in 2019 and 2025. However, we have not reviewed the family violence rules in the code of practice since they were first introduced.

Safety by Design

We launched our Safety by Design project in May 2024. We partnered with Thriving Communities Australia, Flequity Ventures, Safe and Equal and the Centre for Women’s Economic Safety to explore how family violence risks interact with essential services products systems and services.

The project team engaged with victim survivors of family violence, energy and water sectors, the community sector, ombuds and the regulatory community.

A [Designed to Disrupt](#) for essential services report was published in May 2025. It explored how energy and water businesses can improve support for victim-survivors of family violence. The report also made several recommendations for energy and water businesses and their industry peak bodies, regulators and government.

Potential family violence reforms raised in our June 2024 Issues Paper

In our June 2024 Issues Paper, we proposed to strengthen existing family violence rules and introduce family violence rules for exempt persons operating embedded networks.⁵ We highlighted recent reforms to family violence rules in the National Energy Retail Rules (NERR) and Victorian

³ ‘Recommendation 109: Amend the Energy Retail Code and Customer Service Code of include family violence hardship provisions’, Victorian Government, accessed 24 December 2025, <https://www.vic.gov.au/family-violence-recommendations/amend-energy-retail-code-and-customer-service-code-include-family-violence-hardship-provisions>.

⁴ Essential Services Commission, *Better practice in responding to family violence handbook: Exploring ways essential services providers can provide family violence assistance that is safe and effective*, 4 September 2025, <https://www.esc.vic.gov.au/other-work/family-violence-resources-businesses>.

⁵ Essential Services Commission, *Energy Retail Code of Practice review: Issues Paper*, 6 June 2024, pp. 18–22.

Water Customer Service Codes. We then considered whether similar changes could be made to the code of practice.

Community groups and consumer advocacy organisations supported our review of family violence obligations.⁶ They suggested that Victoria adopt all NERR family violence obligations that provide stronger protections than our current rules.

Consumer advocacy organisations also made suggestions for further changes to our rules. For example, Financial Counselling Victoria suggested a ban on the sale of affected customer debt to third party debt collectors.⁷ There was also strong support for improving retailers' understanding of financial abuse and the assistance available to affected customers in debt.

Retailers were generally opposed to further family violence rules. Many did not see the need for stronger requirements and suggested the commission focus on developing further better practice material to improve retailer practice.⁸

Some retailers supported introducing specific rules from the NERR into the code of practice.⁹ These rules seek to resolve potential inconsistencies between other NERR obligations and contract requirements with family violence obligations and policies. Under the NERR, where a retailer follows family violence requirements that prevent it from fulfilling other obligations and contract requirements, these actions (or inactions) are not considered breaches.

We also raised the possibility of expanding the definition of family violence to include carers and Aboriginal and Torres Strait Islanders kinship relationships. Following feedback, we understand that kinship and carer relationships are appropriately covered under the existing rules. Our code of practice uses the definition of family violence set out in the *Family Violence Protection Act 2008*.¹⁰

This consultation paper continues the review of family violence rules we began in 2024.

⁶ Submissions to the Essential Services Commission *Energy Retail Code of Practice review: Issues Paper*, 6 June 2024: Consumer Actions Law Centre (26 July 2024, pp. 4–10), Energy Consumers Australia (19 July 2024, pp. 3–4), Financial Counselling Victoria (19 July 2024, pp. 2–3), Safe and Equal (19 July 2024, pp. 2–4).

⁷ Financial Counselling Victoria, 'Submission to the Essential Services Commission's Energy Retail Code of Practice Review', 19 July 2024.

⁸ Submissions to the Essential Services Commission *Energy Retail Code of Practice review: Issues Paper*, 6 June 2024: AGL (19 July 2024, p. 3), Alinta (19 July 2024, pp. 2–3), Engie (19 July 2024, p. 2).

⁹ Submissions to the Essential Services Commission *Energy Retail Code of Practice review: Issues Paper*, 6 June 2024: Energy Locals (19 July 2024, p. 2), Origin Energy (24 July 2024, p. 2).

¹⁰ In April 2026, this meaning of family violence in the *Family Violence Protection Act 2008* will be amended to include misuse of systems, processes and providers of services as a means of coercing or controlling a family member. This is an example of the greater recognition the varied forms of family violence.

Strengthening family violence protections

Better protections for customers experiencing or at risk of family violence

Why do we need to act?

We need to review family violence protections to ensure affected customers receive adequate minimum standards of protection and support from their energy retailer. Appropriate minimum standards should prevent further harm to affected customers. These minimum standards should also protect account security and the use of personal information.

In some cases, the family violence rules in the NERR may provide greater protection for affected customers than our rules. At minimum, we consider that Victorian energy consumers should have the same standard of protection as consumers in other states.

While current protections have improved industry processes and practice, many affected customers still have poor experiences with energy retailers.¹¹ In 2024–25, the commission issued over \$2.5 million in penalty notices for retailer breaches of family violence obligations.¹²

Energy retailers have also highlighted that existing rules may create barriers to providing appropriate support to affected customers. For example, requirements related to communication for life support equipment and meter upgrades may conflict with an affected customer's preferred method of communication.

Those with lived experience have told us that responses from industry need to have a greater focus on safety, empathy and fairness.¹³ The Energy and Water Ombudsman Victoria (EWOV) and consumer advocacy organisations have also indicated that more work is needed in this area. Regulatory reform may improve the support affected customers are receiving from their energy retailer.¹⁴

We consider a review of the existing family violence protections is necessary to allow us to:

- understand concerns from all stakeholders

¹¹ Energy and Water Ombudsman (Victoria), *Empowering change: Supporting victim-survivors of family violence*, June 2024.

¹² Essential Services Commission, *Annual Report 2024–25*, 30 October 2025, p. 16, <https://www.esc.vic.gov.au/about-us/our-performance/annual-reports>.

¹³ Catherine Fitzpatrick, *Designed to Disrupt: Safety by design for essential services*, Thriving Communities Australia, Flequity Ventures, Safe and Equal, the Centre for Women's Economic Safety and Essential Services Commission, May 2025, pp. 34–35.

¹⁴ Energy and Water Ombudsman (Victoria), *Empowering change: Supporting victim-survivors of family violence*, June 2024, pp.11–14; One Generation, *Family violence: What victim-survivors need from essential services*, September 2025.

Strengthening family violence protections

- seek to further prevent harm to affected customers
- lift standards across energy retailers.

What outcomes do we want to achieve?

We want retailers to provide better support to affected customers so they can effectively manage their personal and financial safety. This includes improved retailer knowledge of financial abuse and greater affected customer access to payment difficulty assistance.

We also want to improve retailer safety and security processes to protect affected customer information. Finally, we want to reduce the burden on victim survivors who seek support from their retailer as an affected customer. This includes reducing the need for customers to disclose family violence but making it easier for customers to disclose family violence where it is safe and necessary to do so.

We are considering changes to the code of practice as part of this review. However, in some cases the best outcomes may be achieved through other means, such as better practice or compliance activities.

What changes are we considering?

There are many obligations related to the safety and support of affected customers which may require reform. We will consider these as part of this review.

We are also considering new requirements. These include rules from other jurisdictions and potential reforms to address emerging problems.

The topics we propose to review are outlined in Table 2. This table provides an overview of what some reforms could look like and encourages more specific ideas and feedback from stakeholders.

Not all topics will necessarily result in rule changes. In some cases, the best approach may be to amend guidance or engage in additional compliance or education. We will consider all potential avenues when determining how best to improve outcomes for affected customers.

Alignment with the National Energy Retail Rules

Some protections in the NERR may provide greater protections for consumers in other states than those in Victoria. At minimum, we consider that Victorian energy consumers should have the same protections as those in other states. These could be included in our code of practice.

For example, in Victoria, a retailer must only ask for documentary evidence from affected customers so it can take further care when considering debt management, recovery and disconnection. However, in the NERR, a retailer must not request documentary evidence from an affected customer as a precondition to providing family violence protections. We see value in these

Strengthening family violence protections

NERR protections, because obtaining evidence can be difficult and retraumatising for the affected customer and discourage victim-survivors from seeking support.

We will also consider whether a similar approach to the NERR is needed to clarify how family violence protections operate alongside other rules. This could include clarifying that compliance with family violence protections is prioritised over other rules and contract requirements where there is a clash.

Table 2 notes the NERR provisions that are not in our code of practice, where applicable.

Table 2 – Proposed family violence topics and potential reforms

Topic	Focus	Justification	Current provisions in the National Energy Retail Rules (NERR)
Family violence policy	Improving compliance with family violence policies.	<p>Currently, a retailer is required to have a family violence policy but there is no clear requirement to comply with it. Introducing this reform would allow us to take enforcement action against a retailer who does not comply with its policy.</p> <p>A retailer is required to have a family violence policy so that customers are aware of what support is available to them and to encourage customers to seek support from their retailer. Customer trust can be undermined where the support provided is less than what is outlined in a retailer’s family violence policy. It can also result in different levels of support and outcomes for affected customers.</p>	Rule 76A(c) of the NERR: <i>Retailers must comply with their family violence policy.</i>
	Consulting with family violence organisations when developing or reviewing family violence policies.	<p>A retailer is not required to seek specialist advice when developing its family violence policy. This may lead to shortcomings, gaps or missed opportunities.</p> <p>In Western Australia, retailers must consult with a family violence organisation when developing or reviewing their family violence policy.¹⁵</p>	-

¹⁵ Clause 91(6) of the Code of Conduct for the Supply of Electricity to Small Use Customers 2022 and clause 63(6) of the Compendium of Gas Customer Licence Obligations (Western Australia).

Topic	Focus	Justification	Current provisions in the National Energy Retail Rules (NERR)
Training	Changes to the frequency of staff training.	A retailer is only required to train staff once. Retailer staff need to have ongoing capability to interact with and support affected customers. Requiring staff to be trained at regular intervals would sustain and improve staff knowledge, skills and capability.	Rule 76B of the NERR: <i>Retailer staff must have the ongoing ability to assist affected customers.</i>
	Involving consumer representatives in the development or delivery of staff training on family violence.	A retailer is not required to seek specialist advice or support when providing its staff with family violence training. This may lead to inadequate training which does not appropriately prepare retailer staff to identify, respond to and support affected customers. In Western Australia, retailers' staff training must be developed or provided by appropriate consumer representatives. ¹⁶	-
	Expanding the content requirements for family violence training.	A retailer is required to provide training to its staff that addresses: <ul style="list-style-type: none"> • the nature and consequences of family violence • the application of the retailer's family violence policy • how to identify affected customers • how to engage appropriately and effectively with affected customers. 	-

¹⁶ Clause 91(3) of the Code of Conduct for the Supply of Electricity to Small Use Customers 2022 and clause 63(3) of the Compendium of Gas Customer Licence Obligations (Western Australia).

Topic	Focus	Justification	Current provisions in the National Energy Retail Rules (NERR)
		<p>These topics may not sufficiently cover key knowledge and skills. For example, financial abuse is common but often not well recognised or supported by retailer staff.</p> <p>Retailer staff may also not be trained or prepared on how to engage with affected customers with intersectional identities or compounding vulnerabilities. Part of this training could include a greater understanding of the cognitive and behavioural impacts of trauma experienced by affected customers and how this affects their ability to engage with their retailer.</p>	
Safe method of communication	Using an affected customer’s preferred method of communication when communicating with that affected customer.	A retailer is required to take reasonable steps to obtain the affected customer’s preferred method of communication. A retailer is also required to offer alternative methods of communication if that customer’s preferred method of communication identified is not practicable. However, there is no explicit requirement for a retailer to use that identified method of communication. Not using this identified safe method of communication can put an affected customer at risk of harm.	Rule 76H of the NERR: <i>A retailer must use the affected customer’s preferred method of communication.</i>
Account security	Disclosing affected customer information to an appropriate person or third party without the affected customers consent,	A retailer must not disclose or provide access to confidential information about an affected customer to any other person without the consent of the affected customer. However, there may be certain exceptional circumstances where it is appropriate for a retailer to disclose affected customer information. For example, where a customer has threatened	-

Topic	Focus	Justification	Current provisions in the National Energy Retail Rules (NERR)
	where a retailer has concerns about a customer's imminent safety and wellbeing.	self-harm or identified that they are in danger during a phone call with a retailer. Our current rules do not allow for this. We could consider an exception to this rule to allow for information sharing without an affected customer's consent when appropriate.	
Evidence	Not requesting documentary evidence from an affected customer as a precondition to receiving family violence protections.	A retailer can ask for evidence of family violence when considering debt management and recovery or disconnections. The process of obtaining documentary evidence of family violence can be retraumatizing and may deter affected customers from asking for help from their energy retailer. Moreover, evidence of some forms of family violence, such as coercive control and emotional abuse, can be difficult to obtain. Affected customers should not be discouraged from contacting their retailer for support. Affected customers who cannot or do not provide evidence of family violence should not be at greater risk of debt recovery action or disconnection.	Rule 76I of the NERR: <i>A retailer must not require an affected customer to provide evidence of family violence to receive family violence protections.</i>
Debt management	Not selling or referring the debt of an affected customer to a third party.	A retailer must ensure agents and contractors acting on their behalf receive family violence training. Nonetheless, referring affected customer debt to external debt collectors creates greater safety risks to the customer than if the debt was managed by the retailer itself.	-

Topic	Focus	Justification	Current provisions in the National Energy Retail Rules (NERR)
Disconnection	Preventing disconnection of an affected customer for non-payment for a set period after the retailer becomes aware the customer is an affected customer.	<p>A retailer could disconnect an affected customer under current rules if appropriate procedures are followed and individual circumstances are considered.</p> <p>This may conflict with the principle of disconnection for non-payment as a last resort and can pose serious safety risks to an affected customer. For example, an affected customer may rely on electricity supply to operate security systems and communicate with others.</p> <p>However, this protection should not prevent an affected customer from requesting that a property linked to their account be disconnected.</p>	-

Shared accounts and shared debt

Two key family violence issues are shared accounts and shared debt with the perpetrator.

We understand that retailers have different systems and account structures. Retailers that offer joint accounts should be able to safely separate the affected customer and perpetrator into two separate accounts. We have heard that in some cases, retailers require affected customers to contact their perpetrator to seek their permission to separate the account. This is inappropriate and may put the affected customer at greater risk of harm from family violence.

Retailers may also encounter situations where accounts of affected customers have been set up without their knowledge or include usage and debt from the perpetrator. Accumulating debt in an affected customer's name or refusing to pay for energy costs are forms of financial abuse. We consider it is worth investigating how this could be addressed.

Reporting outcomes for affected customers

We consider that requiring retailers to do limited reporting on affected customer outcomes could be beneficial. This could establish core metrics such as affected customer numbers, the support they receive and their outcomes. It could also provide retailers with feedback on how well they identify and support affected customers over time and compare their performance to other retailers. This aligns with a Safety by Design recommendation for mandatory data collection on affected customer outcomes on an anonymised and aggregate basis.¹⁷

Additional reporting requirements would not be set in the code of practice but introduced through our Compliance and Performance Reporting Guideline. However, we encourage any feedback on the benefits and risks of potential reporting requirements.

Extending family violence protections to embedded network customers

Why do we need to act?

Embedded networks are privately owned networks that sell energy to multiple customers within a building or site. Examples include apartment buildings, caravan parks, retirement villages and shopping centres.

¹⁷ Catherine Fitzpatrick, *Designed to disrupt: Safety by design for essential services*, Thriving Communities Australia, Flequity Ventures, Safe and Equal, the Centre for Women's Economic Safety and Essential Services Commission, May 2025.

Protections for embedded network customers affected by family violence differ depending on who sells energy in their network. Currently, customers of exempt sellers do not receive the same level of family violence protections as customers of licensed retailers. An exempt seller is someone that is exempt from the requirement to have a license to sell electricity.

We consider that, where practicable, all customers should be entitled to safe, supportive and flexible assistance from their energy provider to help manage their personal and financial safety. Therefore, we are considering introducing family violence obligations for exempt sellers.

We consider there is a strong need to address this gap in protections. Embedded network customers do not have a choice in their energy provider. Therefore, it is important that such customers are covered by adequate protections. We see an opportunity to improve the protections for affected customers in embedded networks as part of this review.

What outcomes do we want to achieve?

We want to introduce minimum standards for the safety and support of affected customers who are sold energy by an exempt seller. Where possible, these standards should replicate or translate existing protections afforded to affected customers of licenced retailers.

What changes are we considering?

We consider the introduction of family violence obligations on exempt persons operating embedded networks could cover:

- staff training
- customer service
- account security
- debt collection
- disconnection
- external support services.

We also want to understand what family violence policy requirements could look like for exempt persons.

Our starting point is to consider reforms introduced in the latest version of the Australian Energy Regulator's Retail Exempt Selling Guideline.¹⁸ This established minimum obligations on certain types of exempt persons to protect customers affected by family violence. These obligations

¹⁸ Australian Energy Regulator, *Review of the AER exemptions framework for embedded networks – Final decision*, August 2025, pp. 7–9.

largely follow existing retailer obligations in the NERR, except for requirements related to staff training and the need to independently develop a family violence policy. These exclusions recognise that exempt sellers often have lower resources compared to licensed retailers. They also acknowledge that for exempt sellers, the supply and sale of energy is often incidental to their core business.

Where Victoria's family violence rules differ from the NERR, we will consider how these rules could be translated into obligations on exempt sellers. We consider the approach taken by the AER serves as a good reference to align consumer protections while accounting for the different capabilities of exempt sellers.

As we investigate these potential family violence reforms, we will consider the cost and capacity of exempt persons to design, implement and comply with new obligations.

Questions for stakeholders

Q1. Should we make changes to the code of practice to strengthen family violence protections? If so, what should change?

Q2. What family violence obligations should apply to exempt persons operating embedded networks? Are there particular complexities we should take into account when considering new obligations in this context?

Supporting future First Nations consumers

We are seeking to improve outcomes for First Nations consumers in the energy retail market.

We are considering reforms to require energy retailers to ask a customer if they self-identify as a First Nations person. This will enable us to collect information about the experiences of First Nations consumers, which is needed to help us build evidence to support future reforms.

We recognise that changes to the code of practice as part of this current review may not necessarily be suitable as the first step. Building the cultural safety of energy retailers may be required prior to implementing reforms.

We welcome feedback on the most appropriate way forward to support better outcomes for First Nations consumers.

Improving outcomes for First Nations consumers

Why do we need to act?

First Nations peoples are often overrepresented in data relating to poor economic, social and health indicators.¹⁹ This is due to the lasting negative impacts of colonisation including land dispossession, violence, policies of assimilation, ongoing discrimination and institutionalised racism.²⁰

In Victoria, approximately 66,000 people identified as Aboriginal or Torres Strait Islander in the 2021 Census, representing one per cent of the population.²¹

We are committed to ensuring good and equitable outcomes for First Nations consumers in the Victorian energy retail market. Our [Strategic Plan](#) includes strengthening First Nations engagement and inclusion as a key focus area. This includes seeking to improve opportunities for First Nations people to access, deliver, engage and benefit from the essential services that we regulate.

¹⁹ '2.09 Socioeconomic indexes', Australian Institute of Health and Welfare, Aboriginal and Torres Strait Islander Health Performance Framework, accessed 23 February 2026, www.indigenoushpf.gov.au/Measures/2-09-Socioeconomic-indexes.

²⁰ Australian Human Rights Commission, An Anti-Racism Framework: Voices of First Nations Peoples, November 2024, <https://humanrights.gov.au/resource-hub/by-resource-type/publications/race/policy-reports-race/anti-racism-framework-voices-first-nations-peoples>.

²¹ 'Victoria: Aboriginal and Torres Strait Islander population summary', Australian Bureau of Statistics, 1 July 2022, <https://www.abs.gov.au/articles/victoria-aboriginal-and-torres-strait-islander-population-summary>.

We have also recently consulted on our [Getting to Fair: Advancing Equity](#) strategy. Under this strategy, we identified the need to develop a First Nations Self-Determination Framework. This will form the basis of our approach to enable self-determination, address barriers, and drive equitable regulatory participation and outcomes for and with First Nations peoples.

Clear data indicates that First Nations consumers are overrepresented in measures relating to energy stress, energy inequality and energy inefficiency. Data from 2025, for example, shows that First Nations households are 9-10 per cent more likely to experience energy stress than the general population. This has been attributed to deeper structural economic inequalities.²²

A 2017 study found that most First Nations households are renting homes constructed more than 20 years ago. Of these First Nations households, only 36 per cent reported having wall insulation. Adequate insulation ensures that heating or cooling is retained and reduces a household's energy burden. With low insulation levels, First Nations tenants are often forced to increase their energy usage or live in uncomfortable conditions.²³

According to the Consumer Action Law Centre (CALC), electricity was recorded as the most common issue for all First Nations contacts of the National Debt Helpline (NDH).²⁴ First Nations contacts of the NDH also recorded higher rates of receiving inadequate assistance from their energy retailer compared to non-First Nations energy contacts.²⁵

While we know that First Nations consumers are overrepresented in indicators of energy stress, we have little to no specific data relating to billing, prices paid and disconnection rates of First Nations consumers. Similarly, we do not have data about First Nations consumers' access to retailer supports relating to payment difficulty or family violence.

Additional consumers protections may be required to achieve good and equitable outcomes for First Nations consumers in the energy retail market. We are seeking feedback to identify areas where consumer protections may be needed or to inform the targeted design of these protections.

²² R Best, D Yugin, A Taylor, M Jayasinghe, R Wallace, 'Energy Inequality for Indigenous Australians: Evidence on Structural Drivers Across Two Decades', The University of Adelaide – School of Economics and Public Policy, September 2025, <https://media.adelaide.edu.au/economics/papers/doc/wp2025-06.pdf>.

²³ R Bedggood, A Perenyi, D Meyer, K Farquharson, C Johansson, P Bedggood, G Milgate, 'The Living Conditions of Aboriginal People in Victoria', *Energy Procedia*, September 2017, 121: 278–283, <https://www.sciencedirect.com/science/article/pii/S1876610217334823>.

²⁴ Consumer Action Law Centre, 'Getting to Fair: Advancing Equity strategy consultation', 25 February 2026, p.5.

²⁵ Consumer Action Law Centre, *Energy Assistance Report 4th Edition*, June 2024, p.35, <https://consumeraction.org.au/report-energy-assistance-report-4th-edition-keeping-the-lights-on/>.

Supporting future First Nations consumer reforms

Appropriate handling of First Nations data and information

In addition to potential information and data gathering, appropriate handling and use of any information that is gathered is critical.

It is important that there is a culturally safe environment for First Nations consumers to disclose their status as a First Nations person. The First Nations Clean Energy Network raised the importance of cultural safety in their submission to our previous review of the code of practice. They noted that reform 'needs to be implemented through targeted engagement, equity at the core and cultural safety to significantly benefit First Nations consumers across Victoria'.²⁶

We are interested in feedback on how data relating to First Nations consumers should be handled and used to inform better outcomes. This includes the application of data sovereignty principles.

What outcomes do we want to achieve?

We want to improve outcomes for First Nations consumers in the energy retail market. As part of this, we would like to understand how First Nations consumers can be better supported in a culturally safe environment.

Self-identification as a possible first step to support future reform

What options are we considering?

We could require energy retailers to ask a customer if they self-identify as a First Nations person. This is one way for the commission to obtain information on First Nations consumers in the energy market. This would help us build evidence to support future reforms.

However, we know that there are a range of important privacy, security and self-determination sensitivities when it comes to data collection of this nature. It is vital that we collect any information in a culturally safe way, that prioritises consent and data sovereignty.

We also know that First Nations persons may be reluctant to identify themselves as such to retailers. This could be due to past personal experiences, or distrust of why this information is being collected.²⁷ It may be better for energy retailers to demonstrate culturally safe behaviours

²⁶ First Nations Clean Energy Network, *Submission to the Essential Services Commission on Energy Retail Code of Practice review*, June 2025, p.1, <https://www.esc.vic.gov.au/electricity-and-gas/codes-guidelines-and-policies/energy-retail-code-practice/reviewing-energy-retail-code-practice#tabs-container2>.

²⁷ Office of the Victorian Information Commissioner, *Understanding Culturally Diverse Privacy – Aboriginal and Torres Strait Islander peoples' perspectives*, February 2021, <https://ovic.vic.gov.au/privacy/resources-for-organisations/understanding-culturally-diverse-privacy-aboriginal-and-torres-strait-islander-peoples-perspectives/>.

before reforms can be implemented. We welcome feedback from stakeholders on how this could be achieved.

Support for self-identification

Other organisations have recommended the gathering of self-identification to inform suitable protections. For example, the Australian Bureau of Statistics (ABS) considers that accurate and time comparable statistics relating to First Nations peoples are needed to help formulate policies to plan, promote, deliver and evaluate essential services. The ABS recommends that First Nations status be collected through self-identification questions.²⁸

Similarly, the Australian Securities and Investments Commission (ASIC) suggests that there are benefits to self-identification for First Nations consumers. In its '[Better banking for Indigenous consumers](#)' report, ASIC recommends that banks build their understanding of First Nations customers by asking them whether they identify as being of Aboriginal and/or Torres Strait Islander. This self-identification strategy aims to enable banks to tailor their services and messages to First Nations consumers to achieve better and more equitable outcomes.

Questions for stakeholders

Q3. Are changes required to support cultural safety for First Nations consumers? If so, what are these changes?

Q4. What measures could be taken to support self-identification in a culturally safe way?

Q5. What considerations should there be for the handling of data and information relating to First Nations consumers?

²⁸ 'Indigenous Status Standard', Australian Bureau of Statistics, 8 October 2014, <https://www.abs.gov.au/statistics/standards/indigenous-status-standard/latest-release>.

Protections for consumers with secondary meters

The Australian Energy Market Commission (AEMC) has introduced new rules to allow customers to manage and meter flexible Consumer Energy Resources (CER) separately from their general electricity consumption. The rules introduce new meter types and metering arrangements to provide consumers the opportunity to participate in flexible trading.

The Department of Energy, Environment and Climate Action (DEECA) is consulting on implementing these new rules in Victoria.

We are considering changes to our code of practice to protect Victorian consumers choosing to engage in flexible trading.

Protections for secondary metering arrangements

Why do we need to act?

The AEMC published new rules to improve the management of CER and extend consumer protections for secondary meters in 2024.²⁹ The new rules will allow separate metering of a customer's 'passive' loads (such as fridges and lights) and of 'flexible' CER (such as rooftop solar, battery, and electric vehicles).³⁰

The new rules create new meter types (secondary meters) which operate behind the premises meter (the meter connected to the distribution grid) and measure CER equipment. Participating in flexible trading through CER resources will be voluntary. Large customers will be able to choose multiple retailers for their secondary meters. Small customers will be limited to a single retailer.³¹

Extending consumer protections to secondary meters

The AEMC also introduced new consumer protections. New rules in the National Energy Retail Rules (NERR) extend consumer protections to secondary meters, secondary settlement arrangements, and introduce new obligations on installation and disconnection of secondary

²⁹ 'Unlocking CER benefits through flexible trading', Australian Energy Market Commission, accessed 23 February 2026, <https://www.aemc.gov.au/rule-changes/unlocking-CER-benefits-through-flexible-trading>.

³⁰ Australian Energy Market Commission, Rule determination: Unlocking CER benefits through flexible trading, 15 August 2024, p. i.

³¹ Ibid, pp. 17, 35.

meters. Amendments to the NERR will take effect on 1 November 2026. The NERR does not apply to Victoria.

The Australian Energy Regulator (AER) is also consulting on updates to its retail guidelines. This includes considering how to address secondary settlement points to ensure they are communicated clearly and transparently.³²

DEECA is currently consulting on implementing the flexible trading rule changes in Victoria. The Department proposed to update two orders to enable separate metering of flexible loads and passive loads.³³

We are exploring potential changes to our code of practice to extend consumer protections to secondary metering arrangements. This will protect Victorian consumers who choose to participate in CER flexible trading.

What outcomes do we want to achieve?

We want to provide appropriate protections for Victorian electricity consumers who choose to participate in CER flexible trading. This includes protection for secondary meters and secondary settlement arrangements.

We also want to address any regulatory barriers which could prevent flexible trading in Victoria.

Alignment with the National Energy Retail Rules

What options are we considering?

We are considering amending our code of practice to extend consumer protections to secondary settlement arrangements. This is in line with AEMC's determination.³⁴ The areas of reform we are considering are summarised in Table 3 below.

³² Australian Energy Regulator, Retail guidelines review – Consultation paper, 12 November 2025, p. 10, <https://www.aer.gov.au/industry/registers/resources/reviews/retail-guidelines-review/consultation-paper>.

³³ Department of Energy Environment and Climate Action recently published for consultation, draft Orders to enable AEMC's flexible trading rule change in Victoria. The draft Orders are available on Engage Victoria on the relevant project page: <https://engage.vic.gov.au/unlocking-cer-benefits>.

³⁴ Rule 11A(1)(b) of National Energy Retail Rules (the consumer protections [...] with respect to the supply of electricity to a small customer's premises extend to any secondary settlement arrangement with the customer).

Protections for consumers with secondary meters

Table 3 – Potential reforms for secondary meters

Topic	Potential Reform	Justification
Consent requirements for repair or replacement	Where a customer uses a secondary meter, a retailer must not repair or replace the secondary meter without the customer’s consent. A retailer may move the customer from a secondary settlement arrangement tariff if the retailer cannot access the secondary meter for repairs or the customer does not arrange a repair.	To protect customers against retailers making changes or repairs to secondary meters without their permission.
Energy marketing	Clarifying how obligations related to energy marketing in Part 4 of the code of practice would apply to plans and tariffs involving secondary settlement arrangements. This includes clear advice, minimum standards of marketing information and accessible energy fact sheets for customers.	Customers should have information regarding their plans and tariffs at secondary settlement points available in a clear and easily understood manner. Customers should also have access to accurate and transparent information to assess the suitability of their plans.
Contractual rights and obligations	Extending customer rights and obligations in Part 5 of our code of practice to secondary settlement points. These obligations include basis and contents of bills, billing disputes, meter readings, and tariff changes.	We consider that rights and obligations of customers and retailers which are applicable to metering, bills, and tariffs should also be applicable to secondary meters.
Disconnection and reconnection	We are considering clarifying how obligations related to disconnection and reconnection will apply to secondary settlement points.	We consider that disconnection and reconnection protections should apply to the premises as a whole (including any secondary settlement points). Retailers should not be able to disconnect a secondary settlement point separately to the primary connection point.

Additional consumer protections

We could consider additional reforms not covered in the NERR. For example, the AEMC's rules provide for situations where the secondary meter malfunctions and the retailer cannot access the premises for repairs or the customer fails to arrange for repairs. In these situations, a retailer can transfer a small customer on a secondary settlement arrangement to a different tariff.³⁵ We could consider additional protections where a retailer may transfer a customer to a different tariff.

We are seeking feedback on any potential gaps in protections that may harm customers who choose to engage in CER flexible trading.

Questions for stakeholders

Q6. What should we take into account when considering extending the protections of the code of practice to secondary meters?

³⁵ Rule 38A of National Energy Retail Rules.

Information for consumers on gas disconnection and abolishment

We are considering new requirements for retailers to provide information to a customer who wants to disconnect from gas networks. This includes clarifying the differences, costs and rights of customers who wish to disconnect or abolish their gas connection.

Improving processes and information on gas disconnection and abolishment

Why do we need to act?

An increasing number of Victorian customers are expected to reduce or stop using gas in the coming years. There is an opportunity to improve processes and information to assist customers in this transition towards electrification.

Modelling by the Australian Energy Market Operator (AEMO) suggests significant fuel-switching to electricity as the economy transitions to meet net zero emissions goals.³⁶ It estimates that annual residential and small commercial gas consumption will decline in the long term.³⁷

A customer who wishes to disconnect from the gas network will generally communicate with their retailer rather than their gas distributor. Often a retailer's information and disconnection processes have not been updated to reflect the increasing numbers of customers who may request an abolishment due to electrifying their appliances (as opposed to demolishing or rebuilding their home).

A customer who has stopped using gas and no longer has an account with a gas retailer may face difficulties requesting an abolishment. We are aware of customers continuing to receive correspondence and being billed by retailers for the daily gas service charge after they have stopped using gas or have closed their account. In addition, in some cases, there may be difficulties related to billing for abolishment requests when premises are occupied by a tenant.

³⁶ Australian Energy Market Operator, *Gas Statement of Opportunities*, 20 March 2025, p.31, <https://www.aemo.com.au/energy-systems/gas/gas-forecasting-and-planning/gas-statement-of-opportunities-gsoo>.

³⁷ From approximately 175 PJ annually in 2025, reducing to 50 PJ annually in 2044.

A customer who wishes to permanently disconnect from gas networks may lack clear information about the options, charges, timeframes and processes for requesting a disconnection or abolishment. The lack of clarity may be compounded for culturally and linguistically diverse (CALD) customers.

These concerns were highlighted in EWOV's submission to our June 2024 issues paper. EWOV identified a number of complaints relating to gas meter and supply abolishment, as well as a lack of clarity about cost, process and timelines.³⁸ The ombudsman's submission supported additional retailer obligations such as the provision of information so that the code of practice supports gas distributors' obligations under the Gas Distribution Code of Practice.

Gas retailers had different views on who should share information about these processes with customers. Some retailers noted that gas distributors owned and delivered these processes. Distributors stated that a gas retailer is likely the best point of contact for a customer, and that there was a need for clear information for customers.³⁹

Clear information for customers

We reviewed the [Gas Distribution Code of Practice](#) and published our final decision in May 2024.⁴⁰ This reform introduced new requirements on gas distributors to publish gas disconnection and abolishment information in a clear, simple and concise manner on its website. In our final decision, we noted that a future review of the code of practice could consult on requirements for retailers to provide this information as well.⁴¹

The AEMC is currently proposing to introduce new requirements for gas retailers to provide information relating to gas disconnection and abolishment services.⁴² This information includes

³⁸ Energy and Water Ombudsman Victoria, 'EWOV submission – Energy Retail Code of Practice Review', 31 July 2024, p. 32, <https://www.esc.vic.gov.au/electricity-and-gas/codes-guidelines-and-policies/energy-retail-code-practice/reviewing-energy-retail-code-practice#tabs-container2>.

³⁹ Essential Services Commission, *Issues Paper Consultation Summary*, 27 August 2024, p. 6, <https://www.esc.vic.gov.au/electricity-and-gas/codes-guidelines-and-policies/energy-retail-code-practice/reviewing-energy-retail-code-practice#tabs-container3>.

⁴⁰ Essential Services Commission, *Gas Distribution Code of Practice review: Final decision*, 9 May 2024, <https://www.esc.vic.gov.au/electricity-and-gas/codes-guidelines-and-policies/gas-distribution-system-code-practice/reviewing-gas-distribution-system-code-practice>.

⁴¹ Ibid. p.30.

⁴² Australian Energy Market Commission, *Draft rule determination: Establishing a regulatory framework for retail customer initiated gas abolishment*, 30 October 2025, <https://www.aemc.gov.au/rule-changes/establishing-regulatory-framework-retail-customer-initiated-gas-abolishment>.

Information for consumers on gas disconnection and abolishment

clarifying the difference between gas disconnection and abolishment services, how to reconnect gas in the future and how to contact the customer's distributor for more information.

What outcomes do we want to achieve?

Customers may wish to permanently abolish their gas connection or temporarily disconnect from the gas network. We want these customers to have accessible information tailored to their needs, enabling them to make informed decisions. We want retailer processes to be efficient and responsive to customers' needs.

A customer must be provided with clear information about the costs and charges that they will pay for different services, including any ongoing charges. This includes clarity on when a customer may or may not continue to be billed for gas use.

Potential new obligations for gas retailers

What options are we considering?

It may be appropriate to introduce new provision of information requirements for retailers relating to gas disconnections and abolishments.

Introducing complementary requirements

To achieve this, we are considering whether to complement the existing information provision requirements for gas distributors under clause 6.4 of the Gas Distribution Code of Practice. This provision requires a distributor to publish information on its website explaining:

- the difference between gas disconnection and abolishment
- relevant timeframes
- applicable charges
- the rights of customers in seeking a gas disconnection, gas abolishment or gas reconnection.

We could place complementary requirements in the code of practice to require a retailer to provide information on gas disconnection and abolishment services when contacted by a customer. This could include referring a customer to a distributor's website for relevant information as well as providing information directly to the customer.

Aligning with the Australian Energy Market Commission's draft rule 69A

An alternative to the above would be to align to the AEMC's draft rule 69A for retailers. This would also require a retailer to provide general information to customers on gas disconnection and

abolishment. Under the AEMC's proposal, a retailer would refer a customer to a distributor for more specific or technical information.

In practical terms, the draft AEMC rule is similar to the rules in our Gas Distribution Code of Practice. Both provisions cover similar themes around these services. However, the AEMC's draft rule contains some more specific requirements. For example, under that draft rule a retailer must explain to a customer whether 'there will still be gas from the distribution pipeline within the boundary of the customer's premises after completion of the service'.⁴³ This may be a useful clarification for a customer to inform their decision making.

Alongside these options, we also invite feedback on whether we need to act to provide any further clarity on billing arrangements where a customer has gone through a gas disconnection process.

Questions for stakeholders

Q7. Should retailers be required to give customers information about gas disconnection or abolishment? If so, what information should they need to provide?

Q8. Are there other changes we should consider to support customers who have disconnected from gas or closed their gas accounts?

⁴³ Australian Energy Market Commission, *Draft rule: Establishing a regulatory framework for retail customer initiated gas abolishment*, 30 October 2025, <https://www.aemc.gov.au/rule-changes/establishing-regulatory-framework-retail-customer-initiated-gas-abolishment>

Improving consumer contact information for power outages

We are considering requiring retailers to improve the quality of customer contact detail information that they share with a distributor. This contact information could also include the collection of the contact details of a secondary contact person.

The purpose of collecting this information is for customers to be contacted by a distributor during unplanned power outages.

Improving communications with customers during power outages

Why do we need to act?

Victoria's February 2024 storm and power outage event prompted the Victorian Government's Independent Review of Transmission and Distribution Businesses Operational Response. This Network Outage Review found that the storm and power outage event resulted in 'customers experiencing very poor communication and customer service during the event'.⁴⁴

The failure of distributor's communication channels meant that the community did not obtain timely and accurate information about the power outages. The Network Outage Review further found that the customer information that distribution businesses held was often incorrect or outdated.⁴⁵

Network Outage Review recommendations

The Network Outage Review report made several recommendations to the Victorian Government. Recommendation 14 of the report related to two aspects of data sharing between a retailer and a distributor:

- **Increasing information flow about power outages to household members:** the report recommended that the code of practice include a requirement for energy retailers to collect contact information from household members (other than the account holder) to be shared with distribution businesses.

⁴⁴ Network Outage Review Expert Panel, *Final report: February 2024 Storm and Power Outage Event*, State Government of Victoria, June 2024, p. 7, <https://www.energy.vic.gov.au/about-energy/safety/network-outage-review>.

⁴⁵ Ibid, p. 11.

- **Improving the quality of customer contact details:** the report recommended that retailers be required to regularly check customer contact data quality and share any updated information with distribution businesses regularly.

The Victorian Government supported in principle Recommendation 14. It noted that issues of customer consent, data security, and privacy must be considered in further detail.⁴⁶

AusNet Services review

AusNet also held a review into its response to the February 2024 storm event. Part of their feedback to our issues paper in June 2024 included recommendations from that review:

- Retailers should be required to share all available customer contact details with distributors for the purpose of unplanned outage notifications.
- Retailers should be required to request multiple contact details for customers for the purpose of unplanned outage notifications.⁴⁷

What outcomes do we want to achieve?

We want to increase the effectiveness of communication between distributors and their customers during unplanned outage events. We also want to increase the accuracy of the contact data shared between retailers and distributors.

Adding secondary contact persons or other household members

What options are we considering?

There are already requirements for retailers to share customers' contact details with distributors.

Our code of practice requires retailers to comply with Business-to Business (B2B) procedures when providing customer details to distributors.⁴⁸ These B2B procedures require a retailer to

⁴⁶ The State of Victoria Department of Energy, Environment and Climate Action, Victorian Government Response to the Network Outage Review, December 2024, p. 47, <https://www.energy.vic.gov.au/about-energy/safety/network-outage-review>.

⁴⁷ AusNet Services, 'Energy Retail Code of Practice review – Submission', 19 July 2024, p.6, <https://www.esc.vic.gov.au/electricity-and-gas/codes-guidelines-and-policies/energy-retail-code-practice/reviewing-energy-retail-code-practice#tabs-container3>.

⁴⁸ Clause 16 of the Energy Retail Code of Practice.

identify a contact person associated with a household's meter. The retailer must then provide the relevant distributor with this contact information for managing power outages.⁴⁹

We are considering requiring retailers to collect secondary contact person details

We are considering requiring retailers to collect phone and email contact details of a secondary contact person. This additional contact information would only be used by distribution businesses to provide information about power outages or emergencies.

Our current view is that retailers are well placed to collect this information while distributors are better placed to communicate with customers in the event of a power outage. This is similar to what we are proposing in our 'Better Protections for Life Support Customers in Victoria: Draft Decision'.⁵⁰

We note that the recommendation in the Network Outage Review report refers to collecting the contact details of 'others in the household'. This is not limited to one secondary contact. Our current view is that there should be some limit to how many contact details a retailer should collect. This is based on our understanding of the additional burden for a retailer in handling and assuring the quality of larger volumes of contact details.

We are seeking feedback as to whether the additional contact person in each household should be limited to one or more additional persons.

We are proposing that retailers improve the quality of the customer contact data

We recognise there are different ways to improve the quality of customer contact data.

A retailer could review customer contact details on a periodic basis. Alternatively, it could check customer contact details when prompted by a trigger event. For example, if a customer phoned the retailer to switch to a new energy plan, the retailer could be required to check and update the customer's contact details. This could support the existing requirement in the code of practice for a retailer to provide updated details to a distributor when it becomes aware of a change to a customer's contact details.⁵¹

⁴⁹ Clause 4.3 of Australian Energy Market Operator's B2B Procedure: Customer and Site Details and Notification Process, <https://www.aemo.com.au/energy-systems/electricity/national-electricity-market-nem/market-operations/retail-and-metering/business-to-business-procedures>.

⁵⁰ Essential Services Commission, *Better Protections for Life Support Customers in Victoria: Draft Decision*, 5 March 2026.

⁵¹ Clause 16(4)(b) of the Energy Retail Code of Practice.

We are considering options such as:

- A time-based review of customer contact details, such as annually.
- A review of customer contact details that is triggered by an event, such as the customer contacting the retailer.
- A combination of a time-based review and a triggered review, such as requiring an annual review if the customer has not contacted the retailer in the past year.
- No additional requirements, if there is evidence supporting that current retailer processes are efficient in providing accurate and up-to-date customer contact details to distributors.

We acknowledge that these reforms will need to consider customer consent, data security and customer privacy. We also acknowledge that there could be family violence risks associated with the collection of additional customer and secondary contact information. These risks will be considered and accounted for as we progress our review.

We would expect retailers to gain customer consent before adding additional household contacts. Retailers would also need to expressly advise their customers that these details will be passed to distribution businesses and only used for notification of outages or emergencies.

We continue to expect retailers and distribution businesses to collect and store customer data in a secure way that maintains customer privacy.

Questions for stakeholders

Q9. Should retailers be required to collect information from a secondary contact person (and potentially additional members of a household)?

Q10. Should retailers be required to improve the quality of the customer contact data they hold? If so, how?

Clarifying protections that apply to customers with closed accounts

In Victoria, residential customers anticipating or facing payment difficulties are entitled to minimum standards of assistance.

There may be a need to clarify the minimum standards of assistance that apply when a customer closes an account while still repaying energy debt. This can occur when a customer switches to a new retailer or moves to new premises.

We are proposing to clarify the minimum standards of assistance that retailers should provide to customers who have closed their accounts while in debt.

Assistance provided to customers with closed accounts

Why do we need to act?

The code of practice does not explicitly identify which provisions apply to customers with closed accounts but who are still paying off energy debt. Customers and retailers may benefit from additional clarity about what obligations apply in these circumstances.

Retailers must provide minimum standards of assistance to customers anticipating or facing payment difficulties. This is known as our Payment Difficulty Framework (PDF).

Under the PDF, residential customers who are in debt are entitled to tailored assistance. Tailored assistance consists of several measures including:

- repayment of arrears over up to two years by payments at regular intervals
- advice about payment options to enable repayment of arrears over up to two years
- advice about the likely cost of the customer's future energy use and how this cost may be lowered
- advice about government and non-government assistance, such as Utility Relief Grants (URGs) and energy concessions
- practical assistance to help an eligible customer complete a URG application
- practical assistance to help a customer lower their energy costs (by moving to another tariff, helping the customer reduce their energy use and informing the customer of progress towards lowering their energy costs)

Clarifying protections that apply to customers with closed accounts

- an initial period of at least six months during which repayment of the customer's arrears is put on hold and the customer pays less than the full costs of their ongoing energy use while working to lower that cost.

There are various circumstances why a customer may close an account while still in debt. This may be due to moving premises, switching to a better offer from another retailer, or electrifying household appliances (no longer needing a gas account).

Some forms of tailored assistance are forward-looking, such as advice about the likely cost of future energy use. However, other forms of assistance could also apply to customers with closed accounts. For example, making payments at regular intervals, advice and assistance to apply concessions (which can be backdated), or alternative payment options. We understand that some retailers offer their customers these entitlements and others do not.

What outcomes do we want to achieve?

We want customers with closed accounts who are still in debt to have clarity about what forms of assistance they are entitled to receive from their retailer. We also want retailers to have clarity about their obligations in relation to customers with closed accounts. This would lead to improved standards of assistance and consistency across the industry. It would also advance the objectives of the PDF to set minimum standards of assistance to which customers anticipating or facing payment difficulties are entitled.

Clarifying protections that apply to customers with closed accounts

What options are we considering?

We understand that other jurisdictions under the National Energy Customer Framework (NECF) may face similar challenges around clarity of what protections apply to former customers. The Australian Energy Regulator's (AER) review of payment difficulty protections in the NECF recommended changes to definitions in energy laws to clarify, among other issues, that protections continue to apply to former customers.⁵²

One option we are considering is the AER's recommendation to introduce a consistent definition of customers experiencing payment difficulty that would clarify that protections continue to apply, without interruption, to customers with closed accounts. This may be a simple solution, but it may

⁵² Australian Energy Regulator, [Review of payment difficulty protections in the National Energy Customer Framework: Findings Report](#), May 2025, p. 14.

not provide sufficient clarity. We may still need to specify which forms of tailored assistance are only practicably applicable to customers with open accounts, and those which should apply to all customers including those with closed accounts. For example, practical assistance to help a customer complete a Utility Relief Grant application is only relevant for customers with open accounts.

A more pragmatic approach would be to introduce a new provision listing the minimum standards of assistance applicable to customers with closed accounts. This would have the benefit of consolidating in a single provision the specific forms of assistance that are mandatory as minimum standards for helping customers with closed accounts pay off their debt.

We are also interested in understanding whether there is already sufficient clarity in the code of practice, so that no amendments are necessary. For example, we consider that customers who are disconnected and seek reconnection, as well as customers who move premises but remain with the same retailer, are covered by all PDF obligations. We also consider that this applies to customers who move premises but remain with the same retailer. These customers remain entitled to minimum standards of assistance that has regard to their capacity to pay both past arrears and future accruals.

Relatedly, we are interested in hearing feedback on whether there is consistency between how different retailers provide assistance to customers in debt with closed accounts, and if additional clarity on retailer's obligations under the code of practice would improve consistency.

Questions for stakeholders

Q11. In your view, is there sufficient clarity in the code of practice about which minimum standards of assistance apply to customers with closed accounts?

Q12. What considerations should we take into account if we were to clarify protections that apply to customers with closed accounts?

General updates and other changes

Requirement to publish changes of tariffs and charges in newspapers

We are considering removing the requirement to publish notices and changes to standing offer prices in newspapers.

Why do we need to act?

The model terms and conditions in Schedule 2 of the code of practice require a retailer to publish variations to standing offer prices in a newspaper and on the retailer's website. This differs from other provisions throughout the code of practice requiring publishing exclusively on the retailer's website or on an internet site.

For example, we require a retailer to provide accurate details of each current generally available plan and restricted plan via the Victorian Retailer Portal website. All information uploaded to the Victorian Retailer Portal website must be written in plain English and designed to be readily understood by small customers.

We also require a retailer to make energy fact sheets for each current generally available plan and restricted plan accessible to a customer. A retailer must publish these fact sheets on the retailer's website.

In early 2022, we removed the requirement for retailers to publish tariff variations in newspapers from retail licences. We removed this on the basis that there are now requirements to provide information via the Victorian Retailer Portal website and to publish energy fact sheets on a retailer's website.⁵³

However, a similar requirement has not been removed from the code of practice. This means there is an outdated requirement in the model terms and conditions for standard retail contracts set in the code of practice.⁵⁴

It is important to note that energy fact sheets may be difficult to find on retailer websites and are not always promoted as simple price-comparison tools.

⁵³ 'Energy retail licence review', Essential Services Commission, accessed 24 February 2026; Summary of proposed variations to electricity/gas licences.

⁵⁴ Clause 8.2 of Schedule 2 of the Energy Retail Code of Practice.

What outcomes do we want to achieve?

To maintain regulatory consistency across the code of practice and reduce unnecessary regulatory burden, we are considering removing the requirement to publish notices and changes to standing offer tariffs and charges in newspapers.

What options are we considering?

We are considering removing the current obligation to publish variations to tariffs and charges of standard retail contracts in a newspaper. This would mean that a retailer only needs to publish this information on its website and inform a customer affected by these changes on their next bill. We consider that this change would not be a cost to retailers and would still require a retailer to provide information to a customer. We are seeking stakeholders' views on whether we should progress this amendment.

Questions for stakeholders

Q13. What matters should we take into account when considering removing the requirement to publish variations to standing offer prices in newspapers (relying on online publication only)?

Strengthening requirements for handling complaints

We are considering changes to the requirements for complaint handling and dispute resolution procedures to improve their clarity and effectiveness.

Why do we need to act?

Robust complaint handling and dispute resolution procedures are essential for building consumer trust in the energy retail market. Customers are often the first to identify issues with a retailer's systems or processes. They have a right to expect that the retailer will listen to their complaints and respond in a timely and appropriate manner. For retailers, robust processes can help to identify and resolve errors before they escalate into enforcement action or systemic problems.

The code of practice includes several rules setting out how energy retailers must handle customer complaints. In many cases, these obligations require retailers to make and publish processes and

General updates and other changes

procedures for customers to make complaints.⁵⁵ Many rules also require retailers to regularly review complaints procedures to ensure they are kept up to date.

Billing disputes

Some rules relating to billing disputes explicitly require a retailer to act in accordance with its complaints procedures and respond in a timely manner.⁵⁶ These requirements provide certainty to customers and provide a clear avenue for enforcement action. However, these requirements are limited to billing disputes and other rules relating to complaints do not include these requirements. These rules could be strengthened by adding similar obligations.

Dispute record-keeping

There are also different requirements for the length of time that a retailer must keep complaint or dispute records. Some clauses clearly require a retailer to keep a complaint or dispute record for at least two years or until the complaint is resolved, whichever is longer.⁵⁷ Other clauses are not as clear as to how long complaint or dispute records must be kept by a retailer.⁵⁸ Providing this clarity could give retailers greater certainty and support compliance activities where potential breaches have occurred.

What outcomes do we want to achieve?

We are seeking to improve the consistency of complaint handling and dispute resolution obligations. We want to make it clearer that retailers must comply with complaint handling and dispute resolution procedures, not simply make and publish them. Additionally, we want to clarify how long records relating to complaints and disputes must be retained.

What options are we considering?

The issues identified above could be addressed by amending relevant clauses in the code of practice. For example, this could involve adding similar language to clause 69(2) of the code of practice to other provisions. This clause explicitly requires retailers to act in accordance with their

⁵⁵ Clause 14(1) of the Energy Retail Code of Practice.

⁵⁶ Clause 69(2) of the Energy Retail Code of Practice requires a retailer to conduct a bill review requested by a small customer in accordance with the retailer's standard complaints and dispute resolution procedures, including any time limits applicable under those procedures.

⁵⁷ Clause 160(2)(c) of the Energy Retail Code of Practice.

⁵⁸ Clauses 112(2)(b), 41(2)(c), 54(3)(b) of the Energy Retail Code of Practice.

General updates and other changes

own procedures in relation to billing disputes. Examples of other complaints handling and dispute resolution obligations that could be reviewed are set out in Table 4.

These rules could be amended to set clearer obligations on retailers to comply with complaint and dispute handling procedures (not simply publish them or include provisions in contract terms and conditions).

Table 4 – Complaint handling and dispute resolution clause examples

Clause	What do retailers and exempt persons need to do?	Possible reforms
14(1)	A retailer or responsible person must develop, make and publish on its website a set of procedures detailing the retailer’s procedures for handling small customer complaints and dispute resolution procedures. Procedures must be regularly reviewed and kept up-to-date and must be substantially consistent with ISO 10002 (Customer satisfaction – Guidelines for complaints handling in organizations) as amended and updated from time to time.	Clarify that a retailer or responsible person must follow the procedures for handling small customer complaints and resolving disputes (not simply publish them).
59(1)	A retailer must set out a process under its standard complaints and dispute resolution procedures for a small customer to attempt to rectify a customer read estimate that is not accepted.	Clarify that retailers must comply with the process set under their complaints and dispute resolution procedures.
102(1)(b)	A retailer must include (in the terms and conditions of a market retail contract) provisions to the effect that the retailer is obliged to handle a complaint in accordance with the retailer’s standard complaints and dispute resolution procedures (which can be found on the retailer’s website or provided to the small customer on request).	Clarify that the obligation is for a retailer to handle a complaint in accordance with procedures (not simply add provisions stating it must do so in the contract terms and conditions).

Several complaints and dispute handling record-keeping requirements could also be reviewed. This includes the requirements set out in the clauses 41(2)(c), 54(3)(b), 112(2)(b), and 160(2)(c).

The focus of this review could be to make the record-keeping obligations clearer and more consistent. Where there are multiple retention periods, this includes being clearer about how these apply and whether the obligation is to adhere to the longest of the periods.

We are not proposing an overhaul of existing complaint and dispute resolution requirements. Instead, our aim is to focus on improving the clarity and consistency of existing provisions.

Questions for stakeholders

Q14. Do you agree with our assessment of the complaint or dispute resolution procedures that should be streamlined or made more consistent?

Aggregation of multi-site business customers

Why do we need to act?

The code of practice contains consumer protections that apply to small business customers. In Victoria, a business customer is considered a small customer if its total electricity consumption is less than 40 megawatt hours (MWh) per year, or less than 1000 gigajoules (GJ) of gas per year.

Some business customers own and operate multiple small sites. These can have aggregated energy usage higher than small customer thresholds. However, retailers must provide small customer protections for individual sites below the threshold. Large commercial businesses may not find these protections useful or relevant, such as prescribed billing formats and price-certainty rules.

In jurisdictions under the National Energy Customer Framework (NECF), business customers with multiple sites can aggregate consumption to be contracted as one business customer.⁵⁹ This could reduce the regulatory burden on retailers and potentially allows more flexibility in their offers to these larger businesses.

What outcomes do we want to achieve?

We value efficiency in the market, which can lead to lower costs for customers while maintaining acceptable protections. For multi-site business customers, we recognise the value of more flexible contractual arrangements. We also recognise the potential value of reduced regulatory burden and

⁵⁹ Rule 6(3) of the National Energy Retail Law allows the application of upper consumption thresholds on the basis of aggregation of two or more premises of a business customer in accordance with the National Energy Retail Rules (NERR). Rule 5 of the NERR allows aggregation where there is explicit informed consent from the customer.

flexibility for retailers. However, we want to reduce the likelihood of unintended consequences, such as reducing consumer protections.

What options are we considering?

The Victorian Government is currently considering this issue and potential reforms, however we note that in the past several retailers have suggested changes to our code of practice. This could involve disapplying specific protections in our code of practice to facilitate the aggregation of multi-site business customers. If multi-site aggregation were introduced, it is likely that an additional protection would be required for a retailer to obtain a customer's explicit informed consent for this approach. This would be in addition to current exceptions in the code of practice for multi-site business customers.⁶⁰

However, there are obligations in legislation that would still apply despite any changes to our code of practice. These include:

- paying compensation for wrongful disconnection
- the prohibition of late payment fees
- the prohibition on exit fees.

We also note that the upper consumption threshold for small electricity customers in Victoria is lower than in other jurisdictions. We note that these thresholds and related definitions of a 'domestic or small business customer' are set in regulations outside of our code of practice.⁶¹

Given these interactions, we are engaging with the Department of Energy, Environment and Climate Action (DEECA) to consider this issue.

⁶⁰ Current exceptions for multi-site business customers include: clause 63(6) – providing an exclusion to including the name and number of EWOV details on bills; clause 94(7)(b) – providing an exclusion to tariff increase restrictions; and clause 106(9) – providing an exclusion from providing a deemed best offer message in a bill charge alert.

⁶¹ The upper electricity consumption threshold is 100 MWh per year in NSW, ACT and QLD; 150 MWh per year in TAS; and 160 MWh per year in WA, SA and NT.

General updates and other changes

Questions for stakeholders

Q15. Do you have any views on the aggregation of multi-site business customers for the purpose of disapplying protections in our code of practice?

Clarifying obligations for retailers selling to customers in embedded networks

Why do we need to act?

In recent months, the commission has approved licenses for operators of embedded networks who were previously exempt sellers. Both retailers and exempt sellers are required to comply with the code of practice.

We are aware that in some cases embedded network customers sold electricity by licensed retailers may be provided with fewer protections than if they were sold electricity by exempt sellers. This is because of the interactions between some definitions in our code of practice and definitions set in legislation and Orders in Council.⁶²

What do we want to achieve?

As a general rule, consumer protections should apply to all consumers that need them. Their energy provider's licensing category should be irrelevant. We want to maximise the situations where customers in embedded networks receive the same protections, regardless of their energy provider.

This view was largely supported by submissions to our issues paper in June 2024. In their feedback, several retailers stated that embedded network customers should receive the same level of protections as other customers.

What options are we considering?

We are considering opportunities to clarify how protections apply to customers of licensed retailers in embedded networks. We are inviting feedback on areas where customers in embedded networks may benefit from the same protections as other customers.

⁶² For example, the definition of 'relevant customer' in Orders under section 36 of the *Electricity Industry Act 2000* or the definition of 'small retail customer' in Orders under section 7AA of the *Electricity Industry Act 2000*.

There may be some opportunity to provide this clarity through changes to our code of practice. However, this may also be achieved through changes to Orders under the *Electricity Industry Act 2000*. We are engaging with the Department of Energy, Environment and Climate Action (DEECA) on how best to ensure that these customers receive comparable protections to other customers.

Questions for stakeholders

Q16. What opportunities are there to provide the same protections for embedded network customers as for other customers?

Opportunities for reducing costs and regulatory burden when considering reforms

We want to strengthen protections for Victorian energy consumers, but we want to do so at least cost for energy retailers and consumers. It is important that we balance the costs and benefits of potential reforms, so that any additional regulatory burden is not unreasonable.

We are inviting feedback on how proposed changes can be designed to operate efficiently and deliver meaningful benefits. We also welcome views on opportunities to simplify or streamline existing requirements, where this can be done in a way that maintains or strengthens consumer protections and supports a better functioning energy retail market.

Questions for stakeholders

Q17. Do you see any opportunities for reducing costs and regulatory burden when we consider potential reforms to the code of practice?