Video message transcript: Essential Services Commission’s energy compliance and enforcement priorities for 2023-24

[*Video message by Commissioner Sitesh Bhojani*](https://youtu.be/TWcd2xY1f1s) *on the Essential Services Commission’s energy compliance and enforcement priorities for 2023-24. Video was published on 27 July 2023.*

My name is Sitesh Bhojani, I am the commissioner at the Essential Services Commission primarily responsible for enforcement.

Did you know that Victoria has one of the most comprehensive sets of energy consumer protections and assistance programs in the country? And our organisation, the Essential Services Commission, is tasked with regulating Victoria’s energy market on behalf of Victorian energy consumers. This means holding energy companies – who have the responsibility and the privilege to deliver essential electricity and gas services to our community – to account.

We make sure that energy companies meet their obligations to consumers under Victorian energy law and uphold the strong energy consumer protections we have in this state. Where we find evidence that an energy company has not followed the rules, we take action.

Since January 2021, the commission has taken enforcement action against 15 energy companies over alleged breaches of Victorian energy laws and consumer protections. These actions have resulted in payment of more than $12 million dollars in penalties, and five court enforceable undertakings. These enforcement actions follow alleged breaches of rules and protections relating to:

* life support customers
* wrongful disconnections
* incorrect charges and overcharging
* energy supply disruption notices
* contract exit fees and customer consent around new or changed contracts
* solar discrimination
* and payment assistance entitlements for customers having trouble paying their bills, and customers affected by family violence.

We take seriously our responsibility to hold energy companies to account on behalf of Victorian energy consumers – both residential and small business consumers.

Our efforts to hold regulated energy businesses to account and uphold the rights and protections of Victorian energy consumers, including those experiencing vulnerability, encompass actions that seek to:

* promote industry compliance
* prevent consumer harm
* improve energy outcomes for consumers
* build community and consumer confidence in the Victorian energy market
* and deter future contraventions of legislative or regulatory requirements in the public interest.

Our [compliance and enforcement policy](https://www.esc.vic.gov.au/electricity-and-gas/codes-guidelines-and-policies/compliance-and-enforcement-policy) sets out the commission’s approach to compliance and enforcement and how we use our investigative and enforcement powers. And each year, we set energy compliance and enforcement priorities to reflect specific areas of focus for regulated energy businesses to deliver better outcomes for Victorian energy consumers.

This helps us to focus our efforts and make sure we are meeting our purpose to promote the long-term interest of Victorians with respect to the price, quality and reliability of essential services. But these priorities do not limit us. Where the commission identifies harm associated with significant non-compliance with energy laws, we take action.

In 2023-24, we are focused on four priorities that reflect our commitment to supporting Victorian consumers to navigate the energy market with confidence.

Our firstpriority is the energy **Payment Difficulty Framework.**

We want all eligible Victorians to be able to access the protections they are entitled to under this important consumer protection framework. This includes payment assistance from energy retailers, and advice about hardship programs, utility relief grants and other concessions.

We will collaborate with community sector groups and consumer bodies to educate Victorian consumers about their energy rights and protections.

We will increase our monitoring of retailers’ obligations under the energy payment difficulty framework to provide assistance to consumers experiencing bill stress and take enforcement action when these critical consumer protections are breached.

Our second priority is **wrongful disconnections.**

Making sure energy companies comply with rules relating to disconnection has been an energy compliance and enforcement priority for the commission for several years.

Electricity and gas are essential services that keep our community safe and productive. A customer should only ever be disconnected by an energy company as a measure of absolute last resort.

The Victorian Parliament passed new laws in 2021 to increase penalties for wrongful disconnections and to criminalise wrongful disconnection conduct. The commission will continue to monitor compliance with the new laws and take enforcement action where appropriate.

**Helping customers navigate the energy market** is our third priority.

It is critical that customers can engage confidently in the energy market and receive transparent pricing information from their retailer.

We will respond to issues relating to cost-of-living pressures and build upon our work to make sure energy companies are acting in the best interest of consumers around explicit informed consent for new and changed contracts, and clear and timely customer notifications about best offer contracts.

Our final priority – and an enduring priority at the commission – is **protecting customers experiencing vulnerability** to access essential services, such as those who rely on energy for life support or are affected by family violence.

The 2016 Royal Commission into Family Violence found essential services could be used by perpetrators of family violence to cause harm. Since then, the commission has engaged with experts, advocates, people with lived experience, and industry and community stakeholders to identify and implement better ways for the commission and regulated sectors to respond to and support Victorians affected by family violence to access essential services.

We remain committed to this work in the energy sector, and all our regulated sectors, to improve support, protections and services for customers affected by family violence. We continue to monitor energy companies to make sure they are meeting their obligations under the family violence protections and push for better practice through sector engagement.

These compliance and enforcement priorities:

* the energy payment difficulty framework
* wrongful disconnections
* helping customers to navigate the energy market
* and protecting customers experiencing vulnerability

outline our approach to deliver better energy outcomes for Victorians in 2023-24.

Victorians can feel confident that the commission’s purpose is supported by:

* a robust regulatory, compliance and enforcement work program
* clear compliance and enforcement policies and priorities
* and expanded regulatory powers and tools

to make sure energy companies follow the rules, uphold their obligations, and do the right thing by Victorians.

If you are a residential customer and you’re having trouble paying your energy bills, you are entitled to assistance under Victorian energy law – please reach out to your energy company to ask about payment plans and utility bill relief options available to you.

If you have a complaint about your energy company that you have not been able to resolve directly with them, contact the [Energy and Water Ombudsman](https://www.ewov.com.au/) on 1800 500 509. This is a free and impartial dispute resolution service available to Victorian energy customers.

If you are concerned your energy company may be acting unlawfully, contact us at the commission. Our contact details are on our website at [www.esc.vic.gov.au](http://www.esc.vic.gov.au) where you can also find information on our 2023-24 energy compliance and enforcement priorities, your energy consumer rights, and where to go for help.

**About the Essential Services Commission**

The Essential Services Commission is an independent regulator that promotes the long term interests of Victorian consumers with respect to the price, quality and reliability of essential services. We regulate Victoria’s energy, water and transport sectors, and administer the rate-capping system for the local government sector. We also regulate the Victorian Energy Upgrades program, which aims to reduce greenhouse gases by making energy efficiency improvements more affordable for consumers. [www.esc.vic.gov.au](http://www.esc.vic.gov.au)