First Nations Clean Energy Network

Submission to the Essential Services Commission on Getting to Fair: Advancing Equity

February 2026

FIRST NATIONS
CLEAN ENERGY NETWORK

Overview

This submission responds to the Essential Services Commission's *Getting to Fair: Advancing Equity* consultation paper (December 2025). It focuses on how the strategy could be strengthened and made more concrete to better address persistent inequities experienced by First Nations households in accessing and benefiting from essential services.

We welcome the Commission's clear intent to embed justice, equity and self-determination into regulatory practice, particularly through the proposed First Nations Self-Determination Framework. However, as currently drafted, the strategy would benefit from stronger commitments, clearer accountability mechanisms, and more explicit recognition of the distinct historical, cultural and structural factors shaping inequity for First Nations households.

This submission outlines practical ways the strategy could be firmed up to deliver meaningful, measurable improvements in outcomes for First Peoples.

About the First Nations Clean Energy Network

The First Nations Clean Energy Network (Network) is made up of First Nations people, groups, community organisations, land councils, unions, academics, industry groups, technical advisors, legal experts, renewables companies and others - working in partnership to ensure that First Nations share in the benefits of Australia's clean energy transition.

The Network is led by a Steering Group of First Nations leaders.

Australia's rapid transition to renewable energy will require access to vast areas of land and waters, including for thousands of kilometres of new transmission infrastructure. Enabling and empowering First Nations to play a key and central role in Australia's renewable energy transition goes beyond just social licence issues - it presents a unique opportunity for Australia to design a system that is fair and just and which can also positively impact and result in other social and economic benefits for First Nations.

As a national, First Nations-led coalition, the Network aims to enable and empower First Nations to participate in, benefit from, respond to, and shape renewable energy projects that impact their communities, land, waters and Sea Country.

The First Nations Clean Energy Network's approach is built on three pillars:

- Community — The First Nations Clean Energy Network supports First Nations communities to shape the design, development and implementation of clean energy projects at every scale
- Industry partnerships — The First Nations Clean Energy Network acts as an innovation hub, promoting best practice standards and principles that companies

	should adopt and investors should require before committing capital to a clean energy project
● Policy reform	The First Nations Clean Energy Network advocates to lift significant federal and state regulatory barriers and stoke government investment, removing regulatory barriers to energy security and clean energy generation

Opportunities for Equity-Centred Reform

Adoption of some of our recommendations provided in the ESC's Energy Retail Code of Practice review would assist the Commission's equity strategy and reforms effects. These reforms must reflect the reality that water/energy is not just an economic issue—but a justice, health, and human rights issue for our communities. We recommend the below steps be undertaken to further protect First Nations consumers:

Establish a First Nations Consumer Advisory Panel

- Embed First Nations representation in ESC consultation processes.
- Partner with First Nations communities to co-design energy hardship programs, communication materials, and outreach campaigns.

Disaggregated Reporting and Accountability

- Disaggregate hardship, disconnection and data that showcases the inequities faced by First Nations households and communities, where possible, to measure reform impact. The ESC could, for example, publish annual First Nations access and hardship reports to measure improvements.
- Track uptake of Utility Relief Grants, disconnections, complaints, and payment plans by First Nations status.

Other recommendations specific to the strategy

1. Make First Peoples equity an explicit, whole-of-strategy commitment

While the consultation paper references First Nations peoples across several sections, equity for First Peoples households is not consistently articulated as a cross-cutting priority. To strengthen the strategy, the Commission could:

- Explicitly recognise First Peoples as a priority cohort experiencing systemic and intergenerational inequity, rather than primarily positioning First Nations considerations within a single flagship framework.
- Embed First Nations equity objectives across all four pillars (internal capability, data and insights, consumer voice, and collaboration), not only within regulatory inclusion.

- Clearly articulate how advancing First Nations equity contributes to the Commission's overarching legislative objective of promoting the long-term interests of Victorian consumers.

This would signal that First Nations equity is not an adjunct to the strategy, but a core measure of its success.

2. Strengthen the commission's understanding of First Nations issues, equity gaps and areas for collaboration

The proposed First Nations Self-Determination Framework is a critical opportunity to shift regulatory practice. To ensure it drives real change for First Peoples households, the framework should:

- Commit to engagement and co-design with Traditional Owner groups, Aboriginal Community Controlled Organisations (ACCOs) and First Peoples consumers from the outset, including by embedding shared decision making on priorities, measures and evaluation.
- Clearly define what self-determination means in a regulatory context, including how First Peoples will influence regulatory design, implementation and enforcement.
- Set minimum expectations for regulated entities in their engagement with First Peoples households, moving beyond guidance to measurable standards of practice. Additionally, confirm what levers can be pulled by Traditional Owner Corporations and other relevant representative entities when licensees don't engage or have equitable outcomes for First Peoples.
- Embed mechanisms for projects and proponents to move beyond a tick-the-box exercise to ensuring projects have Free, Prior and Informed Consent (FPIC) and benefit sharing within projects is equitable.

Additionally, the collaboration pillar could be made more concrete by:

- Resourcing sustained engagement, including remuneration for First Peoples expertise and lived experience.
- Aligning regulatory activity with broader Victorian First Peoples policy and energy related frameworks to reduce duplication and consultation fatigue.

3. Address affordability and debt as structural equity issues for First Peoples households

First Nations households are disproportionately affected by energy and water debt, disconnection risk, poor housing quality and limited access to concessions. The strategy could be strengthened by:

- Explicitly recognising affordability stress and legacy debt as system-level equity issues, not solely matters of individual vulnerability.

- Committing to regulatory interventions that reduce the likelihood of First Peoples households accruing unmanageable debt, including culturally appropriate hardship frameworks and protections against punitive enforcement practices.
- Supporting differentiated approaches to payment assistance, concessions and arrears management that reflect lived realities in First Peoples communities, including overcrowding, informal household arrangements and mobility.

This would align with the strategy's intent to ensure that costs, benefits and risks are justly distributed.

4. Improve data, visibility and accountability for First Peoples outcomes

The consultation paper acknowledges the importance of data but does not clearly address longstanding gaps in visibility of First Nations outcomes. To firm this up, the Commission could:

- Commit to improving the collection, governance and use of data relating to First Peoples households, in line with principles of Indigenous Data Sovereignty.
- Require regulated entities to report on service access, affordability, disconnections, complaints and outcomes for First Peoples consumers, where appropriate and ethically collected.
- Publicly report on progress against First Peoples-specific equity indicators as part of annual/bi-annual strategy reporting.

Without disaggregated and culturally governed data, inequities risk remaining invisible and unaddressed.

5. Embed cultural safety and accountability in business conduct expectations

The business conduct priority theme presents an opportunity to address everyday regulatory harms experienced by First Peoples households. The strategy could be strengthened by:

- Clearly articulating expectations that regulated businesses provide culturally safe, trauma-informed engagement with First Peoples consumers.
- Linking cultural safety and equitable outcomes to compliance, enforcement and regulatory stewardship activities.
- Supporting sector-wide capability building, rather than relying on adhoc or voluntary initiatives.

This would assist shift business conduct from procedural compliance to outcomes-focused equity.

Conclusion

Getting to Fair: Advancing Equity sets an important strategic direction for addressing systemic inequity in essential services. To better address inequity experienced by First Peoples households, the strategy would benefit from clearer commitments, stronger accountability mechanisms, and

deeper embedding of self-determination, cultural safety and structural reform across all aspects of the Commission's work.

By firming up these elements, the Commission can play a meaningful role in reducing entrenched inequities and supporting just, durable outcomes for First Peoples households today and for future generations.

Our contact details

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