Docusign Envelope ID: EDDA67E4-85E0-40D1-83CD-0B649C11B63B

17/02/2026

Essential Services Commission
Level 8, 570 Bourke Street
Melbourne, VIC 3000

Email: **engage@esc.vic.gov.au**

M2 Energy Pty Ltd Submission to the Essential Services Commission's "Getting to Fair: Advancing Equity" Draft Strategy

Introduction

M2 Energy Pty Ltd (trading as Dodo Power & Gas) (M2 Energy) welcomes the opportunity to provide feedback on the Essential Services Commission's (ESC) draft *Getting to Fair: Advancing Equity* strategy. We support ESC's continued focus on improving outcomes for consumers experiencing vulnerability and its evolution toward addressing both individual and system-level inequity.

M2 Energy is a small energy retailer with a relatively modest market share. Whilst we do not have the scale or resources of larger retailers, we are committed to engaging constructively in regulatory reform processes and supporting outcomes that promote fairness, equity and trust in essential services. We appreciate the ESC's recognition of proportionality and flexibility in regulatory approaches, which is particularly important for smaller participants.

Our submission responds directly to the consultation questions and reflects both operational experience and forward-looking considerations, particularly where aspects of this strategy may inform future regulatory obligations.

Evolving the Strategy to Encompass Individual and System-Level Equity

Question 1: Are there matters we should consider in evolving our Getting to Fair strategy to encompass both individual and system-level equity?

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M2 Energy supports the evolution of the strategy to encompass both individual and system-level equity. We agree that focusing solely on individual vulnerability risks overlooking systemic drivers of inequitable outcomes.

In refining the strategy, we encourage the ESC to consider:

- The interaction between individual vulnerability and system design – for example, under a "Getting to Fair" framework, a retailer may offer lower-cost plans that require active comparison, switching, or digital engagement. Customers experiencing vulnerability (e.g. financial stress, low digital literacy, limited access to devices or reliable internet, limited confidence/trust in digital channels, or language barriers) may be less able to navigate complex pricing structures or engage with market offers. As a result, they may remain on higher-cost legacy or default offers despite the availability of cheaper options.
- Cumulative regulatory impacts – under the ESC's 'Getting to Fair' reforms, new consumer outcome-focused obligations intersect with existing frameworks such as the Payment Difficulty Framework (ongoing proactive assistance and tailored support), Best Offer notification requirements, and family violence protections. Whilst each reform supports fairer outcomes, their concurrent implementation requires overlapping system builds, customer segmentation logic, scripting changes, staff training, reporting uplift and governance oversight. For small retailers, this layering of obligations creates operational complexity and resource strain, particularly where reforms require proactive identification of cohorts and continuous monitoring rather than one-off compliance adjustments.
- Proportionality and scalability, ensuring expectations are achievable for retailers of different sizes whilst still delivering meaningful consumer outcomes.

A balanced approach that recognises these factors will help ensure system-level interventions complement, rather than complicate, individual-level protections.

Priority Themes

Question 2: Do you think the priority themes are the right themes to help achieve our goal?

Overall, M2 Energy considers the proposed priority themes to be appropriate and well-aligned with the strategy's objectives.

Strengthening the Themes

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Whilst supportive of the themes, we suggest the following areas could further strengthen their effectiveness:

- **Digital accessibility and inclusion:** As service delivery becomes increasingly digital, the framework should explicitly recognise the risk of digital exclusion. We are not suggesting exemption from digital reforms; rather, safeguards should ensure consumers with limited digital access, literacy or trust are not disadvantaged. This could include maintaining accessible non-digital engagement channels and ensuring that digital-first approaches remain inclusive by design.
- **Energy literacy and informed engagement:** Ensuring consumers have access to clear, accessible information about energy products, usage and assistance options can help reduce inequitable outcomes over time. The focus is on ensuring information understandable and easy to navigate, rather than requiring retailers to provide formal education programs.
- **Implementation guidance:** Whilst high-level principles provide useful direction, retailers require practical guidance on how those principles should be operationalised. This could include case studies, illustrative scenarios, or clearer expectations about acceptable evidence and reporting. Without this level of specificity, retailers—particularly small ones—may interpret obligations inconsistently where there are limited specificity and clarity in the guidance provided.

These are the key additional themes we propose at this stage but encourage the ESC to ensure flexibility so emerging risks can be addressed over time.

Supporting Regulated Sectors to Embed Justice and Equity

Question 3: What can be done to support regulated sectors to embed considerations of justice and equity at both the individual and system level?

M2 Energy considers that embedding justice and equity across regulated sectors will be most effective where supported by:

- **Clear, principles-based guidance** that allows businesses to apply equity considerations within their existing frameworks and operating models – for example, guidance clarifying what "fair identification" of customers experiencing vulnerability looks like in practice, or how retailers can evidence equitable outcomes without prescriptive process mandates.

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- **Consistency across regulatory instruments**, to avoid fragmentation or conflicting expectations – for example, ensuring alignment between Payment Difficulty Framework obligations, Best Offer requirements, and new "Getting to Fair" outcome measures, so retailers are not required to apply different vulnerability definitions, reporting metrics, or customer cohort classifications across instruments.
- **Data-led insights** shared by the regulator, particularly where smaller retailers may have limited access to broad market or demographic data – for example, regulator-published sector-wide analysis on disengagement trends, digital exclusion cohorts, or hardship entry triggers to support targeted and evidence-based interventions.
- **Recognition of proportional capability**, ensuring expectations and reporting requirements are commensurate with retailer size and risk profile – for example, scalable reporting templates, phased implementation timeframes, or outcome-based compliance pathways that recognise differences in system capability and customer base complexity between large and small retailers.

Supportive regulatory stewardship—rather than prescriptive compliance—will encourage genuine integration of equity considerations into business decision-making whilst maintaining innovation and market sustainability.

Ensuring the Success of the Strategy

Question 4: Is there anything else we should be doing to ensure the success of this strategy?

To support the success of the strategy, M2 Energy suggests the following:

- **Ongoing industry engagement**, including opportunities for early input into developing frameworks such as the Energy Justice Framework. Early consultations should be accompanied by clear, specific guidance rather than high-level or aspirational language, as vague obligations create uncertainty and make it difficult for retailers to determine what is practically required for compliance and implementation.
- **Clear transition pathways** if aspects of the strategy later inform enforceable obligations, allowing sufficient time for systems, training and processes to adapt.
- **Collaboration with community organisations**, where insights from lived experience can meaningfully inform regulatory design.

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These measures could help ensure the strategy delivers practical, durable outcomes rather than remaining conceptual.

Challenges and Barriers

Question 5: What challenges or barriers might make it harder to deliver this strategy?

M2 Energy identifies the following potential challenges:

- Data limitations, particularly in understanding system-level impacts on diverse consumer cohorts.
- Resource constraints, especially for smaller retailers managing multiple regulatory reforms concurrently.
- Balancing equity objectives with commercial sustainability, which is critical to maintaining a diverse and competitive retail market.
- Risk of regulatory complexity, where overlapping initiatives may create unintended consequences or dilute focus.

Addressing these challenges through proportionality, clarity and collaboration will be key to successful implementation.

Other Feedback

M2 Energy supports the ESC's commitment to flexibility, transparency and collaboration. We encourage the ESC to continue engaging with retailers of all sizes, recognising that smaller participants, despite limited resources, can offer valuable operational insights.

We also welcome the ESC's intention to integrate equity considerations into its broader regulatory activities and annual work program, and is accompanied by clear communication and early engagement with industry.

Conclusion

M2 Energy supports the objectives of the *Getting to Fair: Advancing Equity* strategy and appreciates the opportunity to contribute to its development. We look forward to continued engagement with the ESC as the strategy evolves and as related frameworks and priority actions are developed.

If you have any queries about this submission, please contact Beata Janetzki (Head of Consumer Risk & Compliance) on [redacted] or [redacted]

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Yours sincerely

[redacted]

Annie Mackin

General Manager – Consumer Revenue Office