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Rod Sims
Chair
Australian Competition & Consumer Commission
GPO Box 3131
Canberra ACT 2601

Dear Mr Sims,

**New Energy Tech Consumer Code Consultation on Draft Determination
[AA1000439]**

Uniting Vic.Tas welcomes the opportunity to provide comment on the draft determination for the New Energy Tech Consumer Code to the Australian Competition and Consumer Commission (ACCC).

Uniting is the community services organisation of the Uniting Church in Victoria and Tasmania. We deliver programs and services to people experiencing disadvantage including children at risk, aged and carer services, disability and mental health, employment services, alcohol and drug dependence services, housing, family violence and early learning.

We recently provided a submission to the consultation process on the proposed New Energy Tech Consumer Code (the Code). Our submission focused on ensuring the new framework includes appropriate consumer protections as well as encouraging affordability, flexibility, transparency and choice.

At Uniting, we are optimistic that the introduction of the Code will assist in establishing industry standards and lead to better practice in the new energy technology market. We welcome these necessary reforms to the energy sector and believe they are long overdue.

We know from the experiences of our program staff that investing in new energy technology is a complicated decision for consumers. Most consumers, whether they are a low income household looking to reduce their energy costs or a business signing on to a solar Power Purchase Agreements to reduce overheads, are at a significant disadvantage in terms of being able to make an informed decision about the technology they are looking to invest in.

Additional complexity is added in where financing options are part of the decision-making. While the majority of the industry conducts itself responsibly, our agency continues to assist clients where high pressure sales tactics and predatory lending practices that fail to adequately assess financial affordability of vulnerable households are evident. As a result, we would support any initiative by the Commission to consolidate consumer safeguards around financing to a single instrument rather than having multiple frameworks in parallel. Our preference is for any finance arrangements for new energy tech to be through providers that are licenced under the National Consumer Credit Protection Act 2009 (NCCPA).

We believe the clauses in the draft determination that focus on customer support and training could be more specific and clearer in intent. At present, the clauses are largely aspirational and generally fail to establish a recognisable standard that a new energy tech supply and installation business could achieve. We have highlighted what we see as inconsistencies in the intent of the wording of the clauses as follows:

*"Clause 51 - Payment and finance: If we have an ongoing service relationship with you and **we are aware that you may be facing vulnerable circumstances** (eg. illness, impairment, a victim of abuse, financial stress or needing energy for medical or life-support equipment or services), **we will take additional care** to respond promptly to any related issues arising from the use of our New Energy Tech."*

*"Clause 57 - Training: **We will train** our sales agents, representatives, contractors and employees about our New Energy Tech and their responsibilities under this Code, so that they **can provide you with accurate information and quality services.**"*

As drafted, our interpretation of the Code is that it simply requires businesses to equip staff to explain what the technology is and its potential benefits while staying within Australian Consumer Law and privacy obligations. We would have greater confidence that the Code will lead to better practice if there is a requirement for businesses to provide staff with specialised training in mental health, family violence and financial difficulty (as in paragraph 51) to ensure they can adequately respond to all the needs of particularly vulnerable customers. This training should also include cultural awareness training for customer services staff.

From Uniting's financial advocacy work assisting clients who are experiencing payment difficulty or at risk of having their electricity or gas supply disconnected, we know that vulnerable customers still regularly and consistently slip through the cracks. This is despite consumers having the protection of a legislated and enforceable regulatory framework. In our experience, working with consumers and businesses in the utility and other sectors, failure to identify vulnerability or respond to financial difficulty appropriately is usually attributable to two core issues: failing to properly equipping staff for their role (training) and failing to ensure that staff consistently do what they are required to do (compliance).

Based on the above concerns, and in line with our previous submission, Uniting encourages the Commission to consider clearer guidelines on the appropriate level of training for staff to be able to respond to consumers experiencing financial difficulty or those living with significant health issues.

Thank you for the opportunity to provide additional input to the draft determination. We would be pleased to provide further information on any of the areas covered in this submission.

Yours sincerely,



Anna Matina
Acting Executive Officer
Uniting Kildonan & Lentara