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# Submission: Review of the Energy Retail Code of Practice

Submitted by email to: [energyreform@esc.vic.gov.au](mailto:energyreform@esc.vic.gov.au)

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## About us

**Council on the Ageing (COTA) Victoria** is the leading not-for-profit organisation representing the interests and rights of people aged over 50 in Victoria. Celebrating 75 years of service in 2026, we have led government, corporate and community thinking about the positive aspects of ageing in the state.

Today, our focus is on promoting opportunities for and protecting the rights of people 50+. We value ageing and embrace its opportunities for personal growth, contribution, and self-expression. This belief brings benefits to the nation and its states alongside communities, families, and individuals.

**Seniors Rights Victoria (SRV)** is the key state-wide service dedicated to advancing the rights of older people and the early intervention into, or prevention of, elder abuse in our community.

SRV has a team of experienced advocates, lawyers, and social workers who provide free information, advice, referrals, legal advice, legal casework, and support to older people who are either at risk of or are experiencing elder abuse. SRV supports and empowers older people through the provision of legal advice directly to the older person.

## Overview

COTA Victoria and Seniors Rights Victoria welcome the latest set of Essential Services Commission (ESC) proposals to strengthen protections for Victorian energy consumers through the Energy Retail Code of Practice. Our responses to selected questions raised in the consultation paper below are based on our insights and previous research into challenges faced by vulnerable older people in the energy market. These challenges relate primarily to:

- The financial hardship experienced by a growing number of older Victorians left without secure retirement incomes.
- The exposure of many older Victorians to various forms of elder abuse (including financial abuse) as a prevalent form of family violence.
- The significantly higher levels of digital exclusion in the older population and their risk of being left behind in technology change and the energy transition.

## Our feedback to the consultation questions

### **Question 1: Should we make changes to the code of practice to strengthen family violence protections? If so, what should change?**

We would like to see the Code refer more explicitly to elder abuse as a key form of family violence and require retailers' family violence policies to note this inclusion. This is important due to the continuing lack of recognition of elder abuse in some parts of the business sector.

We support a requirement for compliance with stated policies, as proposed in the paper, as a way to ensure community confidence in these policies and some basic accountability.

The proposal to consult with family violence organisations in developing or reviewing the policies should be promoted as good practice but needs to avoid becoming a tick-box exercise leaning narrowly on one organisation. Retailers should also engage with elder abuse support agencies and older at-risk consumers.

Training in family violence should not be just once-off but follow-up training could be handled as an integrated part of a broader refresher program on consumer relationships and needs. Involvement of consumer representatives should be promoted as good practice, but flexibility is needed as to how this is achieved to ensure that a good spread of age groups are included.

In regard to the content of training, we strongly support the inclusion of material on dealing with customers' intersectional identities and further urge that ageing be called out explicitly in this context.

The proposed tightening of compliance with preferred method of communication is important in an elder abuse context to avoid potentially abusive family members gaining undue control, as well as ensuring that digitally excluded older customers have effective access to information. This needs to work in tandem with nomination of proxy or secondary contacts which is also important for many older people (see separate point below).

The proposal to not require documentary evidence of family violence is strongly supported. This is especially relevant to many older people who we know are reluctant to expose family members to scrutiny for elder abuse but still need support.

### **Question 2: 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?**

We urge the ESC to extend family violence provisions to all customers in embedded networks. Many older consumers at risk or elder abuse live in retirement villages and residential parks that use embedded networks for energy purchase. We note that parallel discussions are currently occurring on a code of conduct for proprietors of these types of facilities and we believe this should include some responsibility for protecting residents from elder abuse. Making exempt energy retailers responsible for responding sensitively to elder abuse would helpfully support this objective. We believe this could include all the elements proposed on page 23 of the consultation paper.

**Question 3: Are changes required to support cultural safety for First Nations consumers? If so, what are these changes?**

**Question 4: What measures could be taken to support self-identification in a culturally safe way?**

**Question 5: What considerations should there be for the handling of data and information relating to First Nations consumers?**

COTA Victoria and Seniors Rights Victoria are pleased to see the proposals for the Code to incorporate requirements relating to cultural safety, data sovereignty and self-determination for First Nations communities.

In general, we defer to the views of community-controlled organisations on these matters but urge the ESC to carefully consider whether the benefits of these proposals flow primarily to individual First Nations consumers or more to retailers through provision of information at an aggregate level. In general, cultural safety measures should be applied to all and not be reliant on individual self-identification. There should never be perceived pressure to disclose Aboriginal identity and opportunity to reverse agreement to do so. This is critical as many older First Nations people have a long and intergenerational history of distrust in institutions and may not be comfortable with such disclosure.

**Question 6: What should we take into account when considering extending the protections of the code of practice to secondary meters?**

While we do not have in-depth knowledge of the use of secondary meters by older Victorians, prima facie we would see this as an example of an area where older consumers need to be assured of consistent protections in order to be confident to adopt new Consumer Energy Resources technologies. Older Victorians have been amongst the earliest and most enthusiastic adopters of technologies such as rooftop solar and batteries. They should benefit from a streamlined, integrated approach including common expectations of retailers.

**Question 7: Should retailers be required to give customers information about gas disconnection or abolishment? If so, what information should they need to provide?**

**Question 8: Are there other changes we should consider to support customers who have disconnected from gas or closed their gas accounts?**

The inability or unwillingness of some retailers to provide proactive, comprehensive advice on gas disconnection processes and options is clearly a problem for older Victorians. This issue has been raised in our own discussions with older consumers and clearly requires attention to improve and standardise information.

The reliance on and deferral to distributors to provide advice to customers on this matter is inadequate. At a minimum, retailers should be required to have a prominent and direct link on their websites to relevant information on distributor websites. They should also be required to offer customers basic advice on disconnection and abolishment options. This should apply both to ongoing customers switching away from gas, and to new customers who may be wanting to start with an electricity only plan but have not yet been disconnected from gas.

**Question 9: Should retailers be required to collect information from a secondary contact person (and potentially additional members of a household)?**

**Question 10: Should retailers be required to improve the quality of the customer contact data they hold? If so, how?**

We recognise the potential value to vulnerable older energy consumers to have a secondary contact notified in the circumstance of an outage. For many older people, this would sensibly be the person identified as the person's "primary carer" (informal). This will often be a domestic partner or relative within the household but may be an adult child or friend not living in the household. While a single secondary contact will generally suffice, allowance for a default additional contact would be helpful where an older person is reliant on multiple informal carers.

A requirement on the retailer to collect details of a secondary contact would need to be subject to reasonable efforts to gain consent and cooperation of the primary consumer. In addition, it should be specified that having a secondary contact must not lead to undue reliance on this other person and diminished effort to contact the primary consumer using their preferred mode of communication.

On the question of review of customer contact details, a combination of event and time-based triggers seems appropriate. Reviews should be alert to changes over time in the capacity an older person to use different communication tools and changes in the identification of informal carers.

**Question 13: 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)?**

COTA Victoria and Seniors Rights Victoria appreciate the arguments made for removing this requirement, given significant changes to the role of newspapers across the community, but notes the continued preference of many older consumers for printed information on matters such as prices. Retailers should be required to promote the availability of printed fact sheets on prices, as well as on websites. Standing offer tariffs and charges should also be required to be included on hard copy bills (in addition to prices paid under the consumer's current contract). This information needs to be provided in an easier to read and understand format (including larger font) than is often the case at present.

**Question 16: What opportunities are there to provide the same protections for embedded network customers as for other customers?**

COTA Victoria and Seniors Rights Victoria have consistently argued that consumer protections should apply to all consumers that need them regardless of their energy provider's licensing category. Older customers living in retirement villages and residential parks include those who are amongst the most disadvantaged and exposed to market abuse in the community. With this in mind, we encourage the Code to address all remaining gaps in requirements that may apply to licensed retailers selling into embedded networks. As a priority, these retailers should ensure that embedded network consumers have as much information provided in a preferred format, direct access to company complaints mechanisms, and equal hardship payment flexibility.