



**Keeping the power on –
a SACOSS response to electricity disconnections**

**April 2014 Update
(incorporating South Australia's first year in the National Energy Customer Framework)**

Keeping the power on - a SACOSS response to electricity disconnections
April 2014

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Executive Summary

As the peak body for the community services sector in South Australia, SACOSS has a long-standing interest in the delivery of essential services. Our research shows that the cost of basic necessities like electricity impacts greatly and disproportionately on vulnerable and disadvantaged people. Our advocacy is informed by our members; organisations and individuals who witness these impacts in our community.

The South Australian Government removed price regulation and adopted the National Energy Customer Framework (NECF) on February 1st, 2013. South Australian households and small businesses have now experienced the first year of these significant market reforms. The Australian Bureau of Statistics Consumer Price Index for Adelaide Electricity Prices has shown that average electricity prices reduced almost 2% in calendar 2013. However, recent reports by the AEMC¹ and the Victorian Essential Services Commission (ESCV)² also highlight that South Australia continues to have both the nation's highest electricity prices and highest rates of electricity disconnections for failing to pay bills on time.

This SACOSS report considers trends in disconnection data reported by energy regulators³ to demonstrate that:

- There is significant diversity in the disconnection performance of retailers
- Comparing the disconnection rates of South Australia's five main retailers against their performance in the Victorian market shows that each retailer tends to perform the same in both SA and VIC.
- Overall, disconnection rates are a function of the individual approach taken by each Energy Retailer.
- The only major retailer to show a major reduction in disconnections during the first calendar year of the National Energy Customer Framework (NECF) in South Australia is AGL Energy: Falling from 67% of residential electricity disconnections in the first quarter of 2013 to 43% in the fourth quarter.

SACOSS believes that having the power cut off because you are unable to afford your energy bills is the worst possible outcome for a vulnerable energy consumer. The recommendations in this report are aimed at reducing the rate of disconnections. The recommendations are:

1. Retailers with higher than average disconnection rates need to take immediate action to reduce these rates. Particular attention is drawn to AGL Energy for its positive recent results and Alinta Energy for consistently being the worst performer in the market.
2. Retailers are to be encouraged to develop best practice in relation to a customer's level of arrears, helping manage consumption, understanding capacity to pay, offering lower prices and opting to waive debt where appropriate.
3. Introduce a mechanism whereby a third party would intercede and test for fairness before an energy disconnection proceeds. SACOSS believes that this new type of review would dramatically reduce the number of households who have their power cut off. The SACOSS

¹ AEMC 2013 Residential Electricity Price Trends www.aemc.gov.au/market-reviews/completed/retail-electricity-price-trends-2013.html

² ESCV Energy retailers comparative performance report – Customer service 2012-13 Table 3.2, p31 available from www.esc.vic.gov.au/Energy/Energy-retail-performance-reports

³ The Essential Services Commission of South Australia (ESCOSA) reports electricity market statistical data up until the end of 2012. From February 2013, the Australian Energy Regulator became responsible for this activity under the National Energy Customer Framework (NECF). As a result there is some potential for a discontinuity in time series data.

objective in proposing third party review is to restrict disconnections to those who can pay but don't, including the 'skippers'. A key principle for SACOSS is that retailers are not the entity best placed to deliver this objective.

4. Reform the energy concession so that it is calculated as a percentage of the bill, so it always goes up in line with the real increase in the price of energy and increases capacity to pay for this essential service.

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Introduction

In a typical year, around one in every one hundred South Australian homes will have its electricity disconnected due to unpaid bills⁴. The Essential Services Commission of South Australia (ESCOSA) and the Australian Energy Regulator (AER) have released figures showing that electricity disconnections in 2012-13 came in at more than 10,000 customers per annum. Just under 5,000 of these are subsequently reconnected. Only 70% of these customers are being reconnected within 7 days⁵.

Disconnections are the electricity market's ultimate sanction. Past attempts to ban the practice have been strongly resisted by electricity retailers. Retaining the right to withhold supply over unpaid accounts is cited as a business fundamental. 10,000 household disconnections for the year means that there are around 40 households disconnected every business day throughout the entire year.

For a household under extreme financial stress, the ultimate penalty is disconnection. The impacts of disconnections are not just felt by the household in question – they are felt by the whole community. The impacts are more than just financial, they are also emotional and psychological and there are also impacts on health and safety. In the words of consumers (interviewed for the Public Interest Advocacy Centre):

"It got to the stage where I didn't want to get up in the morning... I just couldn't handle it anymore, I thought I was going to have a breakdown. I just felt stuck" p.19⁶

"I was so embarrassed I felt I couldn't tell anyone about being disconnected" p.40

"... didn't know the company could disconnect someone when there were young children living in the house" p.41

Karinya will never forget the time of year that she was disconnected, as she was without electricity for her daughter's eighteenth birthday. This was the *"worst feeling a mother can ever have"* ... Karinya believes the Department of Housing showed her support because she was a long-term tenant and they understood why she was facing very hard times. *"If it wasn't for them I would have lost these kids permanently over a stupid bill. Things you don't think of – having no electricity or gas with children, I didn't know that if my electricity was cut off I would lose my kids."* pp.42-3

Zoe needs electricity to sterilise things for the baby, wash him properly and heat up the food. *"They're not the only bills you have to pay, if only they were more considerate and polite about what other bills you have. ... If they can see that you have kids in the house, they shouldn't be able to disconnect you."* p.48⁷

South Australia remains one of the States where people are most likely to be disconnected. Given the extremes of weather in the summer and winter seasons, this is cause for great concern. There is an urgent need to understand exactly who is being disconnected and why this is happening.

⁴ **Source:** ESCOSA Annual Market Performance Reports and AER Annual Report on the Performance of the Retail Energy Market 2012-13. Disconnections per 100 customers for the 11 years from 2002-3 to 2012-13 averaged 1.11 with a median value of 1.02.

⁵ **Source:** SACOSS Analysis of AER Annual Report on the Performance of the Retail Energy Market 2012-13, combined with previous year's ESCOSA Annual Market Performance Reports. Total disconnections = 10,723. Reconnections in the same name and address totalled 4,900 (estimated from AER reported reconnection rates by retailer and ESCOSA report customer numbers as at December 2012 [taken as a median value for the 2012-13 financial year]). Reconnection within 7 days is estimated at 3,326 or 68% of the total reconnections.

⁶ Public Interest Advocacy Centre (2005) "Cut off: the impact of utility disconnections"

<http://www.piac.asn.au/project/disconnections>

⁷ Public Interest Advocacy Centre (2009) "Cut off II: the experience of utility disconnections"

Who feels the impact of disconnections

The potential long term consequences of disconnections for the families involved can be significant. Disconnection can be a trigger for a change of housing. Disconnection often triggers the rapid raising of funds to clear at least some debt and get re-connected. This means that the methods available to many vulnerable households simply shift the problem to another part of their lives.

Modern life without electricity does not only mean compromising on 'nice to have' things such as television but compromising on energy services that promote health and safety. While little is known about the demographics of those disconnected in South Australia, it is likely to contain at least some proportion of households with children. Single parent households in particular have been shown to be most at risk of disconnection due to their probability of having lower than average incomes yet higher than average energy consumption. Case studies from consumer organisations around Australia have illustrated the complexity of life events that can surround a disconnection.

Some of the common attributes cited in these reports include:

- Families, especially single parent families
- Aboriginality
- Renting, especially public housing
- Unemployment
- Language and literacy
- Reliance on pre-paid mobile phones

Readers wanting more detailed analysis are directed to the following resources:

Public Interest Advocacy Centre at www.piac.asn.au/projects/social-impact/introduction

- Cut Off III: The social impact of Utility Disconnection (2013)
- *Cut Off II: the experiences of utility disconnections* (2009) *Cut Off: the impact of utility disconnections* (2005)

Dr Lynne Chester (2013) *The impacts and consequences for low-income Australian Households of Rising Energy Prices*, University of Sydney at www.householdenergyuse.com

St Kitts Associates (2013) *Relative Energy Poverty in Australia* at www.sacoss.org.au/reports/energy-water

Queensland Council Of Social Service (2012) *Energy Hardship and Electricity Disconnections in Queensland* at www.qcoss.org.au/sites/default/files/Disconnections%20Report%20Final_1.pdf

Paul Laris & Associates (2004) *Powering poverty: a report on the impact of the 2002-2003 electricity price rises on 12 low-income households in South Australia*, Western Region Energy Action Group, Adelaide.

Committee for Melbourne Utility Debt Spiral Project (2004) at www.cuac.org.au/index.php?option=com_docman&task=doc_download&gid=180&Itemid=31

Annual Reports of the Energy and Water Ombudsman South Australia www.ewosa.com.au/

Disconnection Reporting

Disconnection statistics reported by regulators around the National Energy Market jurisdictions tend to report on two basic headline figures: residential disconnections for a failure to pay an amount due and reconnections in the same name at the same supply address.

The overall disconnection number captures what is sometimes referred to as the 'won't payers' as well as the 'can't payers' and therefore includes those account holders who leave an address with an unpaid account (otherwise referred to as the 'skippers'). These disconnections do not affect households directly in so far as they relate to vacant properties and the decision by the retailer to halt consumption by issuing a disconnection order is arguably quite reasonable.

ESCOSA has commented on the relationship between disconnection, reconnection and hardship:

*"The Commission monitors the number of disconnected households that are reconnected (in the same name at the same supply address) as this can provide an indication of the number of households that perhaps could have been identified for further assistance by the retailer. Conversely, it could also indicate that such customers did not need hardship assistance in the first place."*⁸

The Essential Services Commission of Victoria has also commented on this relationship:

"This year retail energy companies were more vigorous in disconnecting customers who did not pay their bills and were not in financial hardship... This approach to non-payment appears to be effective from the retailer's viewpoint. Fifty per cent of disconnected customers were able to make outstanding payments and be reconnected."

*"... it is possible retailers are not proactively identifying and offering enough support to customers experiencing hardship and who may need to be in a hardship program or on a payment plan. It may also be that customers are ignoring retailer's efforts to engage them, leaving disconnection as the only option remaining for unpaid accounts."*⁹

Of the two groups represented by disconnection statistics, the cohort of most interest then is those households that are disconnected and after a period of time are reconnected: the assumption being that, in the period between disconnection and reconnection, the household has reached a financial arrangement that is to the satisfaction of the retailer. SACOSS concedes that while this approach will still include households that could be classified as can't pay as well as won't pay, it is considered a better proxy of the situation for genuinely vulnerable households than the headline disconnection figure.

The proportion of households that are disconnected for failing to pay an account and then subsequently reconnected has been around 0.5 per 100¹⁰ for the last decade in SA. So, around half of those disconnected could be regarded as 'skippers' (even though some of these may have been in genuine financial hardship at the time). ESCOSA have published a time-series of the reconnection statistics by retailer since privatisation in 2000/1 to December 2012, with the Australian Energy Regulator responsible for publishing similar data for activity since January 2013.

Figure 1 illustrates the disconnection/reconnection rates in South Australia since 2000-01:

⁸ ESCOSA (2011) "Assisting South Australian households experiencing financial stress in the energy market – 2010/11" at http://www.escosa.sa.gov.au/library/111118-FinancialStressInEnergyMarket-ReportCard_2010-11.pdf p2

⁹ Essential Services Commission (2012) "Energy Retailers Comparative Performance Report" at www.esc.vic.gov.au/getattachment/edd78ebc-e203-4bea-86aa-8c8de7afade7/Energy-retailers-comparative-performance-report-Cu.pdf p22

¹⁰ Source: ESCOSA Annual Market Performance Reports and AER Annual Report on the Performance of the Retail Energy Market 2012-13. Reconnections per 100 customers for the 11 years from 2002-3 to 2012-13 averaged 0.49 with a median value of 0.43.

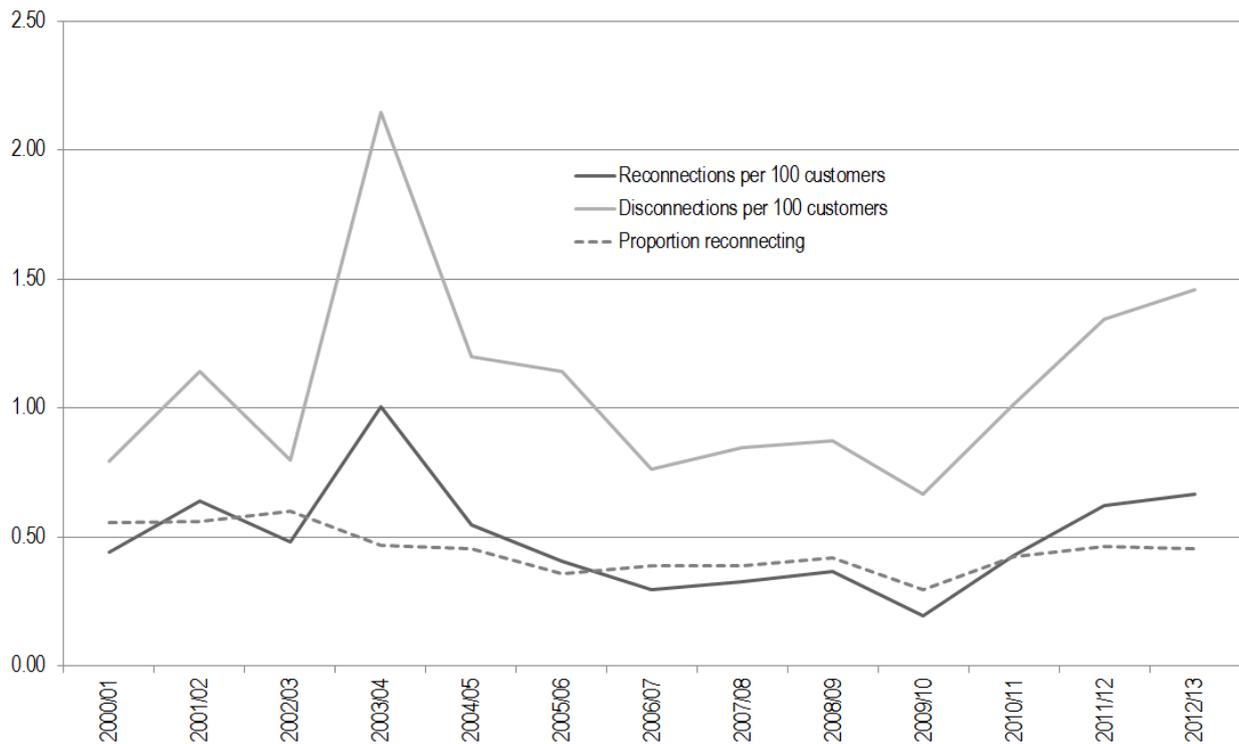


Figure 1: Residential Electricity Disconnection and Reconnection Rates, South Australia (Source: ESCOSA¹¹)

As can be seen, a spike in 2003/4 was followed by a relatively stable period until 2009/10 after which steady increases can be seen. The spike in disconnection / reconnection rates reported in 2003-4 followed the introduction of full retail competition in January 2003 (prices rose in excess of 20% on January 1st 2003). The 2010/11, 2011/12 and 2012/13 financial years also correspond to a period of substantial price increases as illustrated in Figure 2 - plotting disconnection rates against an electricity price index by financial year.

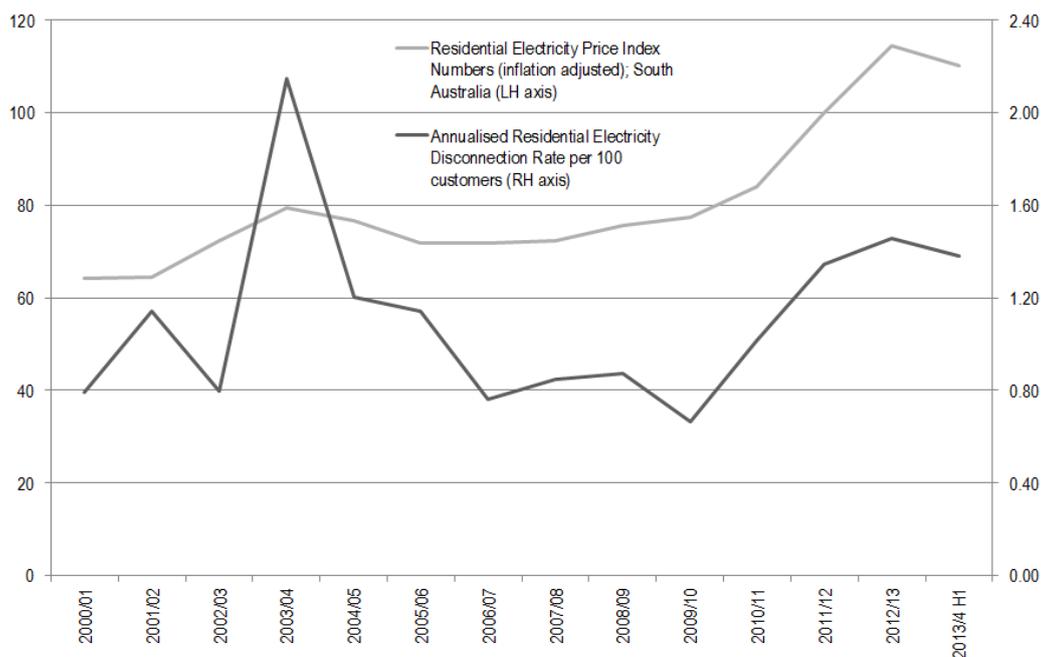


Figure 2: Illustration of the correlation between electricity prices and disconnections (Source: ABS¹²)

¹¹ ESCOSA Annual Market Performance Reports at www.escosa.sa.gov.au

¹² Australian Bureau of Statistics Consumer Price Index Australia – 6401.0 Dec 2013

Comparing retailers

A further layer of analysis possible from the published data is that of comparing trends between retailers and between states. South Australia's five main electricity retailers (with >95% share of the residential market) also operate in the Victorian electricity market and have a combined market share in excess of 80%. It has therefore been possible to compare the reconnection rates of these same retailers in these two jurisdictions by consolidating data from the respective Essential Service Commissions¹⁵.

All Retailers Combined

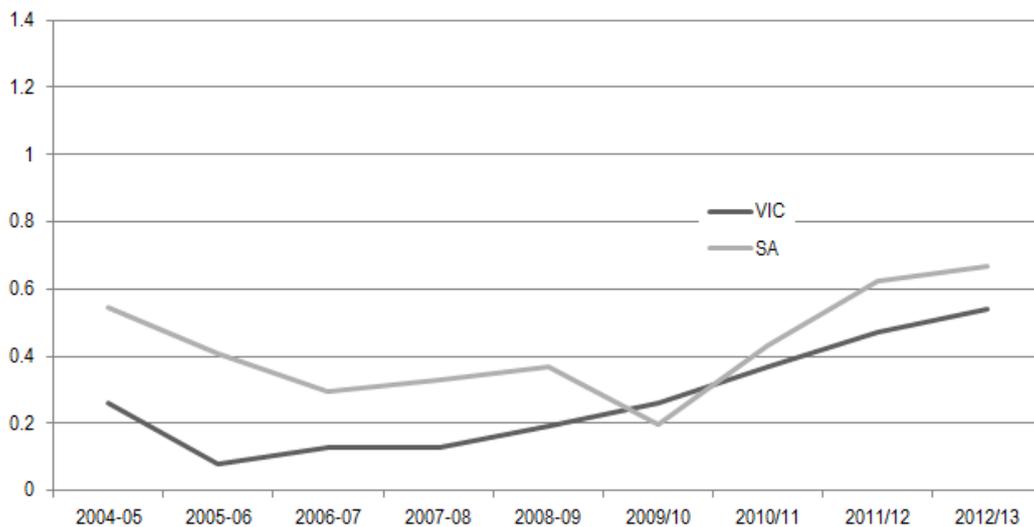


Figure 3: Residential Electricity Reconnection Rates (per 100 customers), All retailers. (Source: ESCV, ESCOSA)

AGL

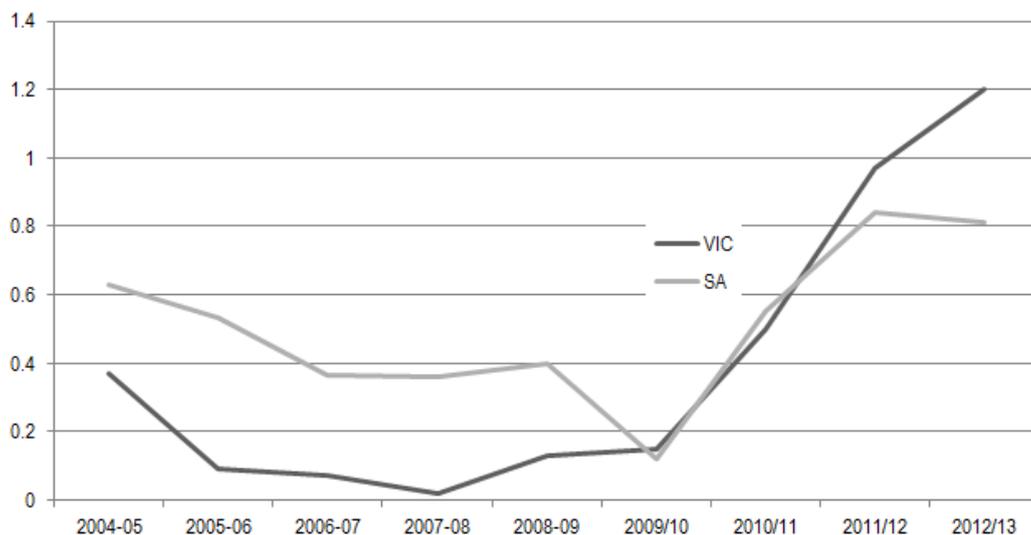


Figure 4: Residential Electricity Reconnection Rates (per 100 customers), AGL Energy. (Source: ESCV, ESCOSA)

¹⁵ Essential Services Commission Victoria Energy Retailer Comparative Performance Reports (<http://www.esc.vic.gov.au/Energy/Energy-retail-performance-reports>) and Essential Services Commission of South Australia Annual Performance Reports (<http://www.escosa.sa.gov.au/electricity-overview/reporting-and-compliance/annual-performance-reports.aspx>)

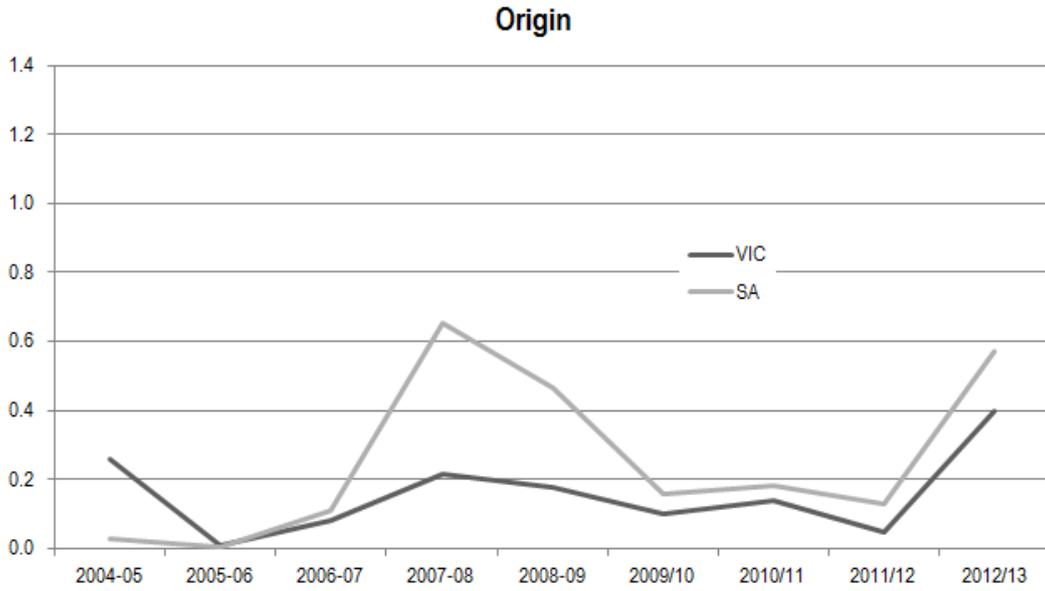


Figure 5: Residential Electricity Reconnection Rates (per 100 customers), Origin Energy. (Source: ESCV, ESCOSA)

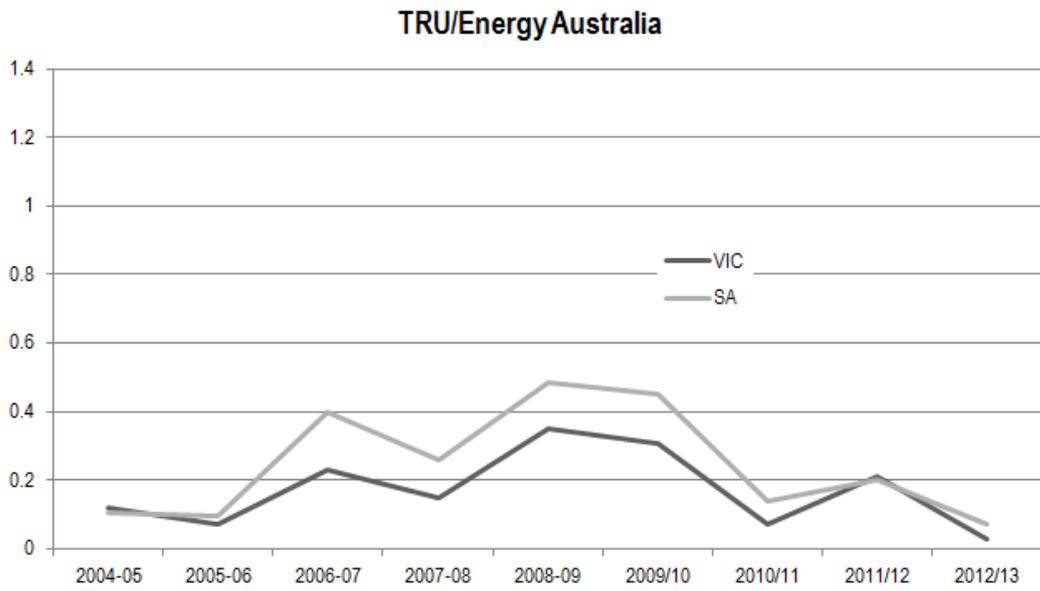


Figure 6: Residential Electricity Reconnection Rates (per 100 customers), Energy Australia. (Source: ESCV, ESCOSA)

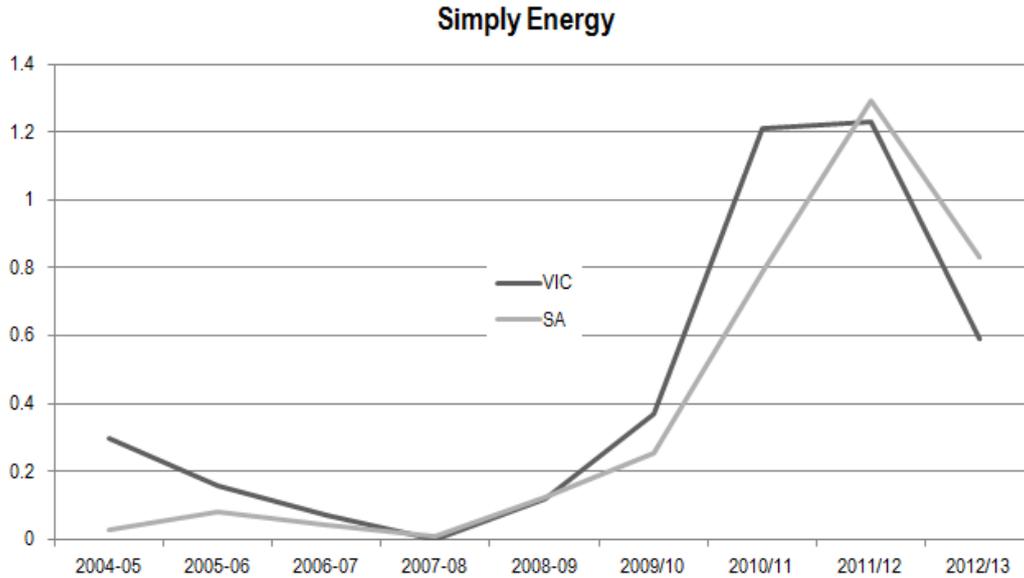


Figure 7: Residential Electricity Reconnection Rates (per 100 customers), Simply Energy. (Source: ESCV, ESCOSA)

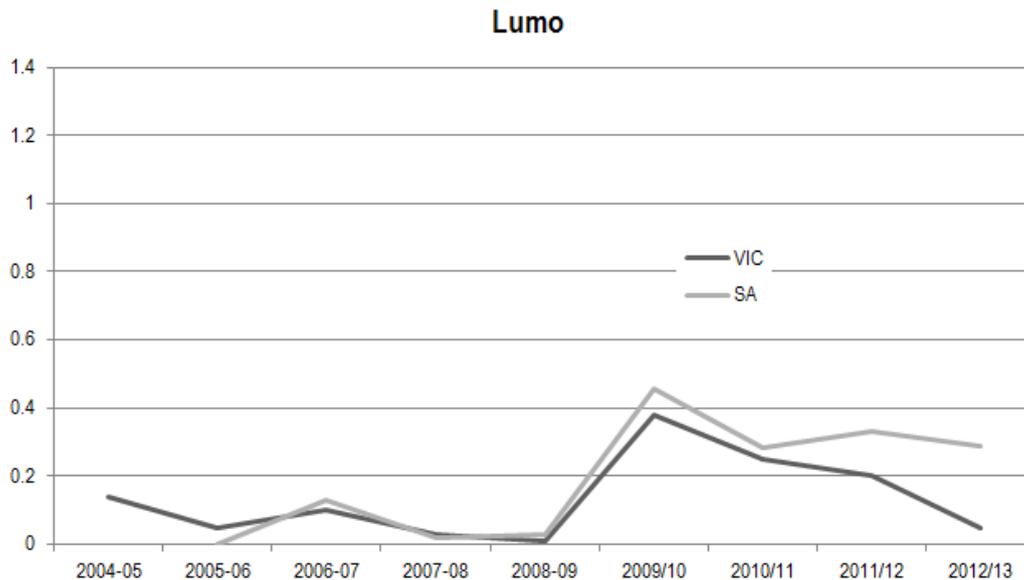


Figure 8: Residential Electricity Reconnection Rates (per 100 customers), Lumo Energy. (Source: ESCV, ESCOSA)

It can be observed from the preceding charts that in recent years there has been strong alignment in the reconnection rates and trends in both states within each business. The other observation is of the diversity of magnitude and trajectories.

A standout performance was delivered by Alinta Energy in 2012-13. The AER reported¹⁸:

“All retailers disconnected fewer than 2 per cent of their customers in 2012–13, except Alinta Energy which disconnected over 7 per cent. Alinta Energy explained that its recent focus on debt recovery has resulted in a higher level of disconnections. ... all of Alinta

¹⁸ AER Annual Report on the Performance of the Retail Energy Market 2012-13 page 37 (available from www.aer.gov.au/node/22827)

Energy's disconnected customers in the March quarter had been on a payment plan in the preceding 12 months."

In summary, these results definitely point to the conclusion that when it comes to affordability and disconnections, customers can expect quite different treatment depending on which retailer they are contracted to.

Unfortunately, since the introduction of the NECF and performance reporting by the AER, there is less state-specific reporting. Reconnection rates are reported for each retailer in total for the NECF jurisdictions (SA, NSW, ACT and TAS) but not broken down by state and territory. However, since it seems clear that individual retailers seem to replicate their performance in each jurisdiction in which they operate, future monitoring by SACOSS will therefore refer to the businesses rather than be SA specific. At this point in time, this will therefore be largely influenced by performance in both SA and NSW.

The NECF and AER's initial reports of retailer performance are discussed next.

National Energy Customer Framework - Background

It is important to locate this discussion in the context of the recently introduced National Energy Customer Framework (NECF) and the National Energy Retail Law (NERL).

While it is true that disconnection rates have been rising along with electricity prices in SA and other jurisdictions over recent years (see Figure 2), it has been argued that the context has changed. From February 1st 2013 South Australia became part of the national regulatory framework for energy retailing. The National Energy Customer Framework (NECF) is aiming to harmonise a number of regulatory functions across the NEM states. The National Energy Retail Law (NERL) incorporates a principle (s47) that electricity disconnections for an inability to pay must be a last resort:

47 — General principle regarding de-energisation (or disconnection) of premises of hardship customers

A retailer must give effect to the general principle that de-energisation (or disconnection) of premises of a hardship customer due to inability to pay energy bills should be a last resort option.²¹

The Ministerial Council on Energy (now the Standing Council on Energy and Resources, SCER) provided clarification in its NECF Explanatory Material (MCE SCO, 2009):

“The NERL requires retailers to have customer hardship policies to assist hardship customers to better manage their payments and reduce the risk of disconnection. Retailers’ customer hardship policies will now be subject to approval by the AER. While the NERL specifies minimum requirements for customer hardship policies, AER approval is considered necessary to ensure that customer hardship policies adequately cover the minimum requirements and achieve the purpose of assisting customers to better manage their energy bills on an ongoing basis.

Further, the obligation on a retailer to offer a payment plan to a hardship customer prior to taking action to disconnect a hardship customer has been extended to all residential customers who advise their retailer they are experiencing financial difficulty.”²²

The notion of hardship is defined in the legislation as:

hardship customer means a residential customer of a retailer who is identified as a customer experiencing financial payment difficulties due to hardship in accordance with the retailer’s customer hardship policy;

The AER will review hardship policies against the purpose outlined in s43(1):

(1) The purpose of a retailer’s customer hardship policy is to identify residential customers experiencing payment difficulties due to hardship and to assist those customers to better manage their energy bills on an ongoing basis.

In summary, under the NERL:

- Retailers MUST develop a hardship policy that conforms with minimum requirements including establishing processes to refer customers to Concession Schemes, Financial Counselling Services and any Energy Efficiency schemes²³

²¹<http://legislation.sa.gov.au/LZ/C/A/NATIONAL%20ENERGY%20RETAIL%20LAW%20%28SOUTH%20AUSTRALIA%29%20ACT%202011.aspx>

²² Ministerial Council on Energy Standing Committee of Officials National Energy Customer Framework Second Exposure Draft Explanatory Material November 2009.

http://www.ret.gov.au/Documents/mce/_documents/Explanatory%20Material.pdf

- The hardship policy MUST be approved by the Australian Energy Regulator (AER)
- Once approved, any amendments must also be submitted to the AER for approval²⁴
- A retailer must offer a payment plan if a customer self-identifies as having payment difficulties or if the retailer identifies repeated payment difficulties²⁵
- Once a customer becomes a hardship customer, the hardship policy overrides the terms and conditions of a market contract²⁶
- A retailer's Hardship Policy must give effect to the general principle that disconnection of a hardship customer due to inability to pay energy bills is a last resort option²⁷

The payment plan must be structured having regard to the customer's capacity to pay in accordance with National Energy Retail Rule 72²⁸:

72 Payment plans

(1) A payment plan for a hardship customer must:

(a) be established having regard to:

- (i) the customer's capacity to pay; and
- (ii) any arrears owing by the customer; and
- (iii) the customer's expected energy consumption needs over the following 12 month period.

Debt recovery proceedings must not commence if the customer adheres to the payment plan²⁹. However, while payment plans are the primary tool for retailers to assist customers experiencing payment difficulties, retailers are not required to offer customers more than two payment plans within 12 months if the customer has had both payment plans cancelled due to non-payment or has been convicted of an offence involving the illegal use of energy in the previous 2 years.³⁰

As can be seen, the framework goes to some length in formalising the opportunities that must be provided to households in order to preserve access (i.e. avoid disconnection). The arrangements provide a systemic approach to identifying customers with a genuine difficulty in paying, and offering a payment plan that reflects their circumstances – all of which must occur before disconnection. The disconnection process itself is covered by Part 6 of the National Energy Retail Rules (NERR).

So, following the rules, the only customers that should be disconnected are:

- those who do not make contact with their retailer
- those who do make contact but are unable to complete a payment plan

²³ [http://www.legislation.sa.gov.au/LZ/C/A/NATIONAL%20ENERGY%20RETAIL%20LAW%20\(SOUTH%20AUSTRALIA\)%20ACT%202011.aspx](http://www.legislation.sa.gov.au/LZ/C/A/NATIONAL%20ENERGY%20RETAIL%20LAW%20(SOUTH%20AUSTRALIA)%20ACT%202011.aspx)

²⁴ NERL ibid

²⁵ NERL ibid

²⁶ NERL ibid

²⁷ NERL ibid

²⁸ NERR <http://www.aemc.gov.au/retail/national-energy-retail-rules/current-rules.html>

²⁹ NERL op.cit.

³⁰ NERR <http://www.aemc.gov.au/retail/national-energy-retail-rules/current-rules.html>

NECF Performance Reporting

(Updated with AER retail market performance data for calendar 2013: the first full year of NECF in South Australia)

The AER does not report reconnections by state (only by retailer, averaged across all NECF jurisdictions) nor does it report customer numbers for all retailers by state. So, to illustrate the trends in disconnections in SA during the first year of NECF, Figure X shows the trends in disconnection numbers during calendar 2013.

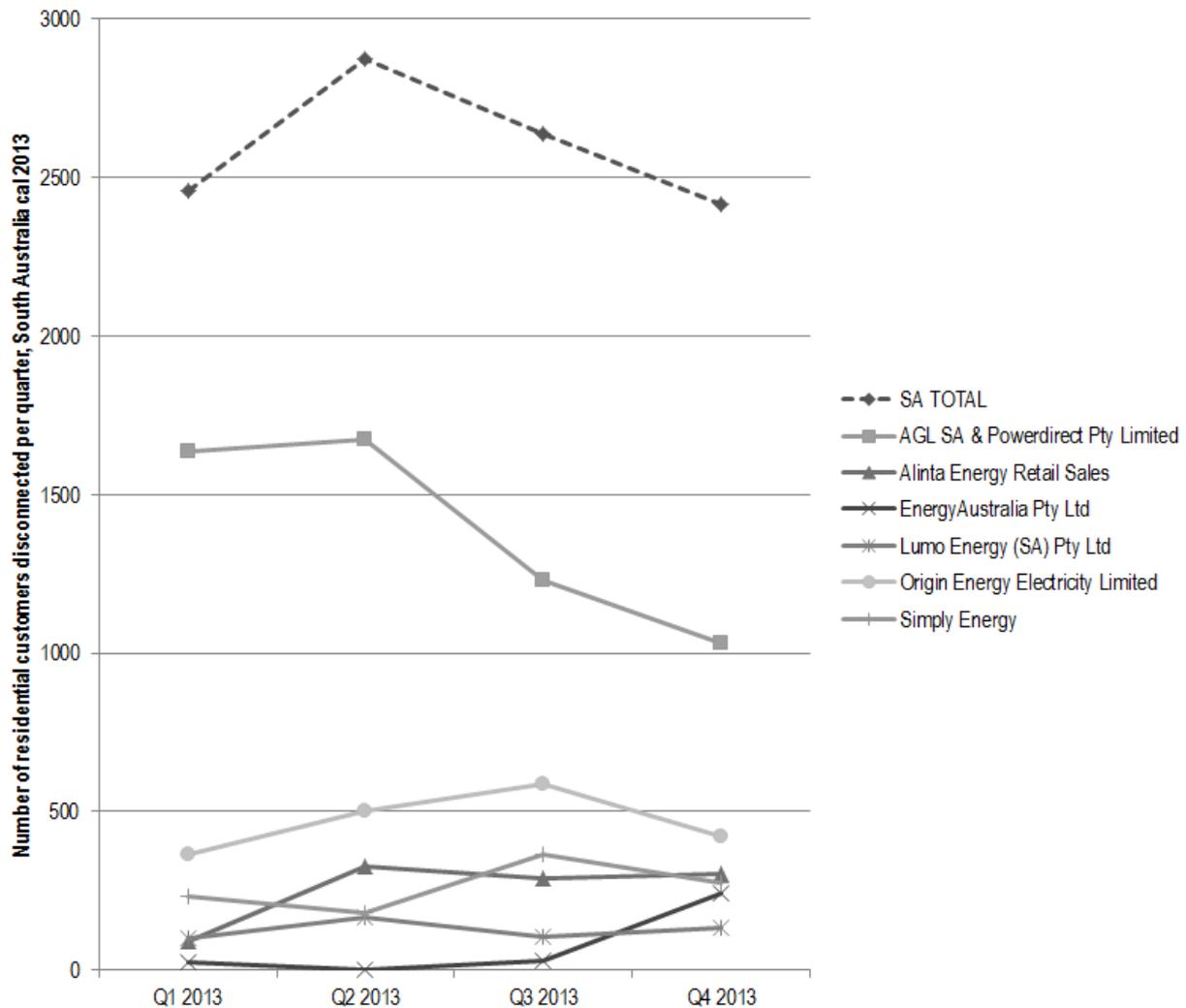


Figure 9: Number of residential electricity disconnections, South Australia 2013. Source: AER

As can be seen, while disconnection rates grew in the first 6 months of the NECF (Q1 and Q2 2013), a steady fall in the numbers disconnected occurred in the second half of the year. It is also clear that the vast majority of the reductions in disconnections in the second half of the year can be attributed to AGL Energy.

The AER also reports in terms of the proportion of customer numbers or these same retailers across the NECF jurisdictions (SA, NSW, ACT, TAS). This is shown for the second half of 2013 in, overleaf

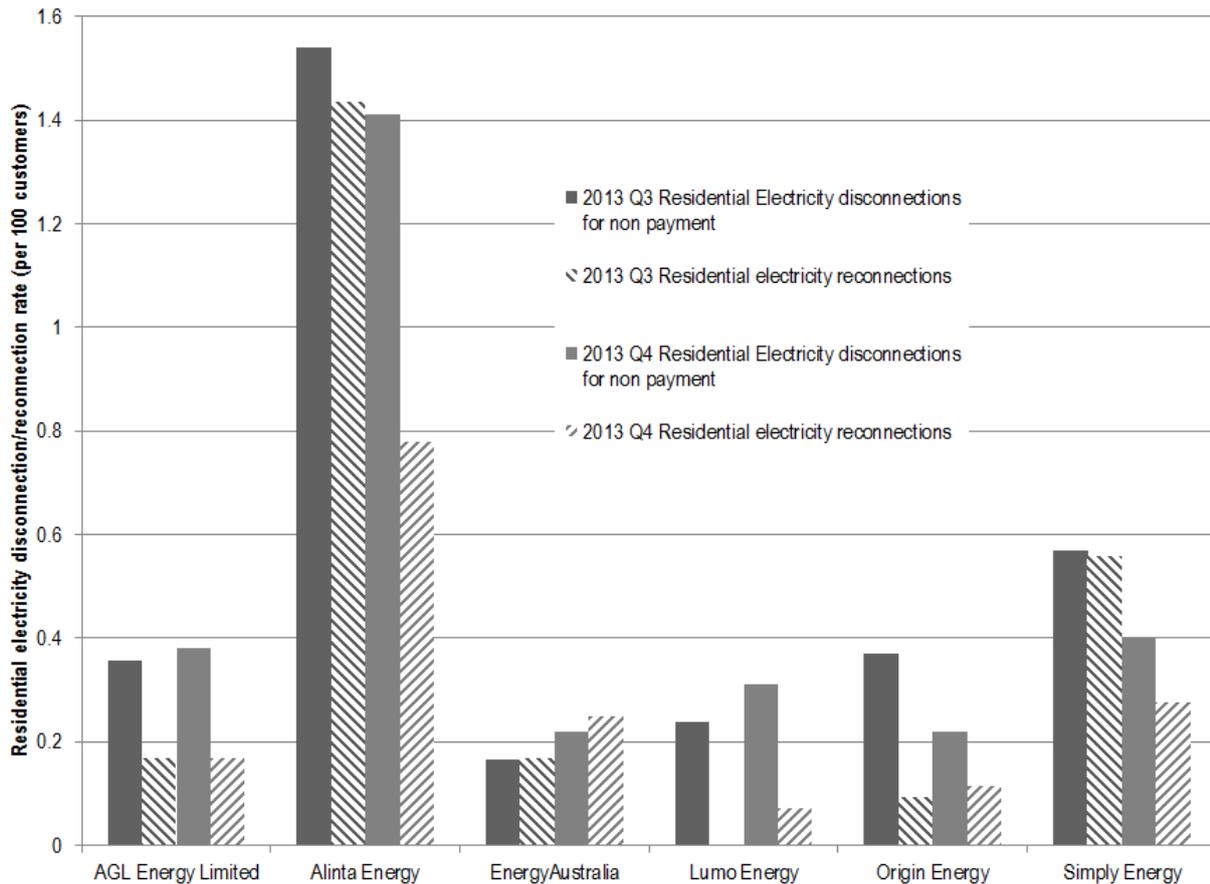


Figure 10: Residential electricity disconnections and reconnections under NECF, by retailer as a proportion of customer numbers for Jul-Dec 2013. Source: AER

For South Australia’s main retailers, the trends are summarised below:

- Alinta maintains the highest disconnection rate (as a proportion of customer numbers) than any other retailer – and by a significant margin. This can be seen to be a trend that has been sustained for at least three full quarters of reporting under the NECF.
- AGL Energy has shown significant reductions in disconnection/reconnection rates since July 2013. This is particularly significant for SA where AGL Energy holds over half of the residential market.
- Origin Energy has recently reversed a trend of increasing disconnection numbers but still disconnected more South Australian households in Q4 than it did in Q1.
- Energy Australia’s very low levels of disconnections in Q1, Q2 and Q3 was reportedly due to billing system issues and this explains why they seem to reconnect more people than they disconnect. There was a clear increase in Q4 and remains one to watch.
- Lumo’s disconnection number remained relatively steady throughout the year and exhibits a quite low rate of reconnection.
- Simply Energy displayed some variability and finished 2013 positively with a significant reduction in disconnections and reconnections. However, Simply still disconnected more South Australian households in Q4 than at the start of the NECF in Q1.

Third Party Review

SACOSS is strongly supportive of a mechanism whereby a third party would intercede and test for fairness before an energy disconnection proceeds. SACOSS believes that this new type of review would dramatically reduce the number of households who have their power cut off. The SACOSS objective in proposing third party review is to restrict disconnections to those who can pay but don't, including the 'skippers'. A key principle for SACOSS is that retailers are not the entity best placed to deliver this objective.

While SACOSS believes that the NECF has clearly not delivered the positive outcomes anticipated in terms of stemming the growing rate of disconnections, third party review can be seen as the opportunity to ensure that these disconnected households are made visible to the broader social services (government and non-government) so that the more appropriate interventions already available do in fact occur. Third party review is also an opportunity for retailers to operate in an environment where it is acknowledged that retailers are not expected to have all the answers to supporting people in financial stress.

A review of historical disconnection and reconnection rates would suggest that the 'strike rate' of retailers has not changed over time – around half of all customers who are disconnected subsequently reconnect, regardless of the actual rate of disconnection (which for SA has varied from around 0.7% (2009-10) to over 2% (2003-4). Should we expect to see this ratio change over time if retailers were able to better discriminate those who can't pay vs won't pay?

The Energy Retailer's Association of Australia, the representative organisation of Australia's licensed energy retailers, publishes a hardship policy that outlines the role seen by retailers in this regard:

"At any one time there will be members of the community facing financial hardship. This can be either temporary hardship, where someone might be going through a difficult period, or chronic hardship, where people are indefinitely in a financially disadvantaged position. Energy retailers provide hardship programs for people who are having temporary difficulty paying for their energy consumption.

Energy retailers accept that some of their customers might not be able to pay their energy bills from time to time. To help these customers out, retailers have support mechanisms to assist customers to manage energy debt. These include payment plans, flexible payment arrangements and advice on how customers can save on their energy bills. While these might assist those in temporary hardship, these support mechanisms alone are not the solution to more chronic hardship.

The role of an energy retailer is not to administer social welfare policy: this is a core function of Governments. Hardship is best addressed through comprehensive social welfare policies, because after all, if someone is having difficulty paying their energy bills, then they are also probably having trouble paying their other bills and debts.

*... Price regulation is not an effective mechanism to protect people facing hardship."*³⁴

As can be seen, emphasis is placed on differentiating *temporary* and *chronic* hardship. The implication of this is that there is likely to be a proportion of those disconnected who would meet the retailer's concept of "chronic" hardship and that they have done all they can to help.

AGL Energy, for example, in their latest annual Sustainability Report³⁵, state:

³⁴ ERAA *Hardship Support* at http://eraa.com.au/wp-content/uploads/Hardship_Support.pdf accessed 15.09.13

³⁵ AGL 2013 Sustainability Performance Report, page 34 available from www.agl.com.au/sustainability

“At the forefront of the challenges associated with assisting customers experiencing financial hardship are the customers for whom hardship is an enduring and long-term systemic issue, with seemingly no foreseeable resolution. It is important that policy makers embrace the shared responsibility model and urgently consider whether the current assistance frameworks – from retailer hardship programs to jurisdictional concessions schemes – are adequately meeting the needs and expectations of the most vulnerable members of the community.”

SACOSS does not dispute that retailers are often not the entity best placed to deal with the complex circumstances that can be expected to surround these cases. The third party review mechanism could be seen as the opportunity for retailers to formally demonstrate that this is the case.

The disconnection debate has always focussed on the can't pay vs won't pay. SACOSS believes that the NECF “disconnection as a last resort approach” and mandatory hardship policies deliver better discrimination between these. For SACOSS, this represents a key reason to explore alternatives.

SACOSS believes that the scale of third party review in South Australia is an important consideration. However, SACOSS believes that this should only influence how an alternative approach should proceed not whether or not alternatives should be explored. SACOSS has performed preliminary estimation of the numbers of customers who are likely to require third party review. SACOSS believes that there is a cohort of around 1 - 2,000 households who would represent a priority group for consideration by the third-party review mechanism³⁶.

This estimation allows for the following target groups: households containing children, households having disability and carer payments as the main source of household income and households who are concession recipients. A conservative estimate would be that at least 1,000 households (at least 1 in 5 of those reconnected) could be expected to fit a reasonable definition of “chronic hardship” and involve children. This can be taken to be indicative of the minimum scale of effort required to better protect these most vulnerable households.

³⁶ This estimation is based on 2009-10 ESCOSA Annual Market Performance Report data and ABS 6523.0 Household Income and Income Distribution, Australia – Detailed tables, 2011–12.

Percentage based energy concession

The NECF talks about customer hardship and the responsibilities of retailers. The NECF is guided by a principle that disconnection is a last resort and provides protection for customers in the form of mandatory hardship programs and protection from disconnection if customers can stick to a payment plan agreed between customer and retailer. According to the Australian Energy Regulator:

Payment plans

Ask your retailer for a payment plan—where you pay for your energy in regular agreed amounts (instalments). Your retailer must offer you a payment plan unless you have already been on two or more plans in the last year and did not keep to them.

When working out your payment plan instalment amount, your retailer must take into account your capacity to pay (what you can afford to pay each week or fortnight), as well as how much you owe and how much energy you are likely to use over the coming year.

Only agree to an instalment amount you can realistically afford, because if you don't stick to the payment plan or skip payments your plan will be cancelled and you could be disconnected. If you do stick to your payment plan, your retailer cannot disconnect you. (emphasis added)³⁷

Disconnection can be initiated by a Retailer when a customer accrues arrears for which they do not demonstrate a willingness or capacity to repay. The concept of a percentage-based concession is relevant insofar as it can contribute to a customer's 'capacity to pay'. And since concession payments are made direct from Government to the retailer it is obviously a critical component in determining 'capacity to pay'. Only retailers are able to provide data on the relationship between disconnections and being in receipt of concessions. ESCOSA have reported such data in the past but stopped due to the unreliability of the information provided by retailers.

Capacity to pay, how this is assessed and how concessions can target this are obviously important components of any alternative approach to disconnections. The main issues with having a flat rate concession regime are that:

- It is blind to the impacts of household size on consumption.
- It is blind to the changing impacts on households as prices rise.

For these reasons, SACOSS recommends the introduction of a percentage based energy concession.

³⁷ AER webpage "Experiencing trouble paying your energy bills?" www.aer.gov.au/consumers/my-energy-bill/problems-paying accessed 15.09.2013