22 May 2020

public interest
ADVOCACY CENTRE

Australian Competition and Consumer Commission
Level 7, 175 Pitt Street
Sydney NSW 2000

Dear Commission,

Subject: Interim Authorisation AA1000502

The Public Interest Advocacy Centre (PIAC) is an independent, non-profit legal centre based in New South Wales. Established in 1982, PIAC tackles systemic issues that have a significant impact upon people who are marginalised and facing disadvantage. We ensure basic rights are enjoyed across the community through litigation, public policy development, communication and training. The Energy + Water Consumers' Advocacy Program represents the interests of low-income and other residential consumers, developing policy and advocating in energy and water markets.

PIAC welcomes the opportunity to respond to the Australian Competition and Consumer Commission's (ACCC) consultation on its interim authorisation to allow members of the Australian Energy Council and other energy retailers to undertake certain conduct for the purpose of providing financial and other relief to energy users during the COVID-19 pandemic.

The COVID-19 pandemic has caused widespread job losses and economic hardship, leaving many without incomes and unable to pay their costs of living. We welcome strong action to help people affected by the COVID-19 crisis pay their energy bills and prevent debt accumulating. We are generally supportive of the Energy Networks Australia plan to defer network costs for certain customers in hardship, and the interim authorisation allowing retailers to work together to deliver relief to their customers who need it.

We strongly support a number of conditions set out in the interim authorisation. In particular:

- the requirement that conduct not be inconsistent with the Australian Energy Regulator's (AER) Statement of Expectations of energy businesses;
- the condition that AER/ACCC representatives may attend any meetings concerning conduct that relies on the interim authorisation; and
- the requirement for regular updates to the ACCC/AER regarding the type of information which has been shared and the material developments and decisions made.

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We recommend the information reported by participating parties, where possible, is made public by the ACCC/AER.

We appreciate the ACCC's need to respond rapidly to the authorisation request but suggest in future it attempts to consult, even informally, with consumer advocates before granting interim authorisation for conduct that may materially affect consumers. There are many expert consumer advocates with extensive experience providing input on significant energy market decisions. The ACCC should draw on this resource as part of best-practice engagement to ensure all relevant stakeholders are informed and prepared for announcements.

PIAC considers some consumer oversight of the outcomes of the authorisation should be established. We note the Supermarket Taskforce, established in response to the COVID-19 crisis, provides some oversight of the outcomes of the proposed conduct of the 26 March interim authorisation granted to supermarkets. We recommend a similar taskforce or body, such as the recently established Energy Coordination Mechanism, supervises the AEC authorisation, and we strongly recommend it be required to consult with consumer representatives.

Yours sincerely

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