

9 September 2008

By email: MCETMarketReform@ret.gov.au

Manager, MCE Secretariat,
Department of Resources, Energy and Tourism,
GPO Box 9839
Canberra ACT 2601

Dear Sir/Madam

MCE SCO National Energy Customer Framework – Supplementary Response

Our organisations would like to address an error made in our submissions made to the Ministerial Council on Energy's (MCE) Standing Committee of Officials (SCO) on the national Energy Customer Framework (the Framework).

We responded to the Framework's recommendations 1.31 and 4.8, in support of the MCE recommendations, in error. Our responses were as follows:

1.31	Restrictions on disconnection	<ul style="list-style-type: none">The circumstances in which a distributor must not disconnect customer premises, these being:<ul style="list-style-type: none">after 3pm on a weekday, and on weekends and public holidays (for small customers only);for electricity, if the address has a registered life support system;where required notices have not been given;where a complaint remains unresolved; or if a distributor reasonably considers that disconnection would immediately endanger health or safety.	We support this recommendation, noting that the decisions on timeframes for disconnection should aspire to best practice, recognising energy is an essential service, and that there must be time allowed for immediate reconnection.
4.8	Disconnections and reconnections (excluding temporary supply interruptions)	The customer distribution contract will adopt the provisions of the Rules in relation to the circumstances in which a distributor may, or must, disconnect. The contract will restate when a distributor must not disconnect. The circumstances in which a distributor must not disconnect customer premises are: <ul style="list-style-type: none">after 3pm on a weekday, and on weekends and public holidays (for	We support this recommendation

		<ul style="list-style-type: none"> small customers only); for electricity, if the address has a registered life support system; where required notices have not been given; where a complaint remains unresolved; or if a distributor reasonably considers that disconnection would immediately endanger health or safety. 	
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Following further consideration, we would like to amend our response to these recommendations. Currently, all jurisdictions in the National Energy Market prevent disconnection on weekdays after 3pm, on Fridays, on weekends, on public holidays and on days prior to a public holiday. We see the retention of each of these crucial.

The regulations which implement this prohibition in each jurisdiction are as follows:

- **Queensland** – clause 4.18.15, *Electricity Industry Code*;
- **South Australia** – clause 9.7(f) & (g), *Energy Retail Code*;
- **Victoria** – clause 14(c), *Energy Retail Code*;
- **New South Wales** – Schedule 3(14), *Electricity Supply (General) Regulation 2001*;
- **ACT** – clause 17.1(3), *Consumer Protection Code*;
- **Tasmania** – clause 24(2), *Electricity Supply Industry Act 1995*;

Please accept our amended response as follows:

1.31	Restrictions on disconnection	<ul style="list-style-type: none"> The circumstances in which a distributor must not disconnect customer premises, these being: <ul style="list-style-type: none"> after 3pm on a weekday, on Fridays, weekends, public holidays (for small customers only) and the day prior to a public holiday; for electricity, if the address has a registered life support system; where required notices have not been given; where a complaint remains unresolved; or <p>if a distributor reasonably considers that disconnection would immediately endanger health or safety.</p>	<p>We support this recommendation, noting that the decisions on timeframes for disconnection should aspire to best practice including:</p> <p><i>Not after 3pm on business day, on Friday, weekend, public holiday or day before public holiday</i> , recognising energy is an essential service, and that there must be time allowed for immediate reconnection.</p>
4.8	Disconnections and reconnections (excluding temporary supply interruptions)	<p>The customer distribution contract will adopt the provisions of the Rules in relation to the circumstances in which a distributor may, or must, disconnect. The contract will restate when a distributor must not disconnect.</p> <p>The circumstances in which a distributor must not</p>	<p>We support this recommendation with the inclusion of the amendment made to reflect:</p> <p><i>Not after 3pm on business day, on</i></p>

		disconnect customer premises are: <ul style="list-style-type: none"> • after 3pm on a weekday, on Fridays, weekends, public holidays (for small customers only) and the day prior to a public holiday; • for electricity, if the address has a registered life support system; • where required notices have not been given; • where a complaint remains unresolved; or • if a distributor reasonably considers that disconnection would immediately endanger health or safety. 	<i>Friday, weekend, public holiday or day before public holiday</i>
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Should you wish to discuss this further, please contact Gerard Brody of Consumer Action Law Centre on 03 9670 5088.

Yours sincerely

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