

15 December 2017

General Manager
Australian Energy Regulator
GPO Box 520
Melbourne VIC 3001

By email: AERExemptions@aer.gov.au

Dear General Manager,

Submission on the Draft Retail Exempt Selling Guidelines

Thank you for providing us with an opportunity to make a submission on the changes to the *Draft (Retail) Exempt Selling Guidelines* (the **Draft Guidelines**).

Caxton Legal Centre Inc., is privileged to be able to offer the Park and Village Information Link (**PAVIL**) as a community legal service to Queenslanders living in retirement villages and manufactured home parks. This service, funded by the Queensland Government's Department of Housing and Public Works, has now been in operation for almost four years.

PAVIL aims to provide increased housing security to Queenslanders living in retirement villages and manufactured home parks by assisting them to:

- understand their rights and responsibilities under the *Retirement Villages Act 1999* and the *Manufactured Homes (Residential Parks) Act 2003*;
- build capacity to represent their interests to village and park operators; and
- have increased access to appropriate legal advice services.

Given the specialist nature of our service, we believe that we have a unique understanding of the issues encountered by individuals who receive electricity as part of an on-supply arrangement with their village and/or park operator.

The majority of our clients are older Queenslanders, many of whom have invested significant portions of retirement savings into their choice of retirement living accommodation. A large portion of PAVIL clients are also economically and/or socially disadvantaged in some way. In particular:

- the majority are dependent on the Centrelink Aged Pension as their only source of income;
- may suffer from disabilities and impairments;

- as elderly members of the population they are particularly vulnerable to exploitation; and
- many do not feel confident advocating for their own interests when dealing with village and park operators.

For this reason, our response to the draft Guidelines is aimed at addressing the issues raised by our clients' own experiences.

Energy ombudsman scheme

PAVIL generally advises one to two clients per month about issues surrounding electricity on-supply. Most of these issues relate to the provision of the pensioner's energy rebate where a park owner or village operator has neglected to apply for the rebate on our client's behalf. In addition, our service has noticed an increase in clients with issues involving the intersection between electricity on-supply and the installation of solar energy systems.

As such, we fully support the proposed requirement that exempt sellers be a member of an energy ombudsman scheme for each jurisdiction where it sells energy to exempt customers, and to comply with the requirements of that scheme.

However, as access to the Energy and Water Ombudsman Queensland is not currently available to residents receiving on-supplied electricity in Queensland, the scope of the ombudsman would need to be expanded to allow these amendments to have a practical effect.

Provided such changes can be implemented, our view is that these amendments would support residents to resolve disputes regarding electricity on-supply arrangements, particularly where they may otherwise be reluctant to pursue issues directly with the park/village operator.

This submission was prepared by Caxton's PAVIL lawyer, Nastassja Milevskiy.

Should the Australian Energy Regulator wish to discuss any aspect of this submission, please do not hesitate to contact our office.

Yours faithfully,



Scott McDougall

Caxton Legal Centre Inc.

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