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Regarding: [Consumer energy resources \(CER\) consumer protections review | Engage Victoria](#)

### Introduction

The EVC welcomes the opportunity to contribute to this important consultation. The EVC's mission is to accelerate the electrification of road transport, supported by a strong, expansive ecosystem of EV charging infrastructure. We recognise there are certain critical sectors in the CER industry that may require expanded regulation.

The EVC is asking for an exemption for behind the meter Electric Vehicle Supply Equipment (EVSE) as energy to vehicles is not an essential service and there is little evidence of consumer harm. Expanding regulation to encompass EV charging would stifle innovation, increase costs and slow the transition to EVs, with minimal improvement to consumer outcomes.

### Page 15-

Currently, energy for private transport (like petrol and diesel) isn't considered an essential service. Similarly, it's not necessary to treat EV energy with the same level of importance as energy for homes. The AER agrees that Energy for EVs is not as essential service.<sup>1</sup> If one cannot afford fuel from a petrol station, they are not entitled to it. As opposed to electricity at ones home, if they could not afford it, they would be given a payment plan and would not be cut off. Also, an EV is mobile and can be taken to many different electricity sources to be charged. Excessive consumer protection for EV charging could disrupt infrastructure deployment and hinder the adoption of EVs.

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<sup>1</sup> [Report template](#)

#### Page 22-

Consideration should be given to how well the guiding principles and intended outcomes align with the National Energy Objectives.<sup>2</sup> It is important to consider the consumer and balance this with Australian government targets that have long term benefits to all. It is difficult to meet the mission without bringing consumers along on the journey, but regulation in areas that are not causing harm can hamper innovation, increase costs and slow the transition.

#### Page 23-24-

DEECAs preferred proposal incorporates an exemptions scheme. EV charging will require an exemption due to its lower essentiality. This is in keeping with the exemption for EV charging that was granted by the previous Department of Environment, Land, Water and Planning (DELWP) under the outcomes of the last Victorian government led consumer protection review.<sup>3</sup> Importantly, any conditions associated with the exemptions should be co-developed with industry.

#### Page 27-

At the inception of this expansion of regulatory oversight and control, EVs and EV charging should be excluded on the basis that there is negligible evidence of any consumer harm occurring with respect to EV owning consumers. If it comes to pass that consumer harm is occurring, AND this new scheme is proven effective with other CER, then consideration of expanding the scheme to EV would be appropriate.

The EVC has historically engaged with the Energy and Water Ombudsman Victoria (EWOV) on the matter of EV owning consumers, and has found that (1) there is minimal evidence of any actual problems of a CER / consumer protection type specifically relating to EV, and that (2) where there were issues, the existing regulatory arrangements were in fact adequate.

If this new layer of regulation is going to be brought in, it should first be brought in against established CER types where there is actual evidence of harm.

#### Page 29-

The EVC is pleased to see that the intent of government is to focus first on solar installations, where the bulk of consumer complaints have come from, and exclude public EV charging, which is low risk. We would like to see non-public EV charging similarly exempted, in cases where the EV charging is wholly financially separable from the balance of usage at the site - for example, EV charging in workplaces and apartment complexes, where EV charging is managed by the building owner or occupant.

#### Page 30-

The table exemplifies the importance of national consistency, in alignment with proven good international approaches. If for example, Victoria goes it alone on EV charging technical

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<sup>2</sup> [National Energy Objectives | AEMC](#)

<sup>3</sup> [633e2df594821063f4aea6bf General Exemption Order 2022.pdf](#) VD8

requirements, the Australian market could be fragmented, driving up costs for Victorian consumers.

#### Page 31-

Vulnerability and Family Violence are likely well outside the capacity of CER providers (like solar installers or electrical contractors) to address. It is not clear that it's reasonable to include this here.

#### Page 33-

The fourth dot point relating to “detrimental impact” needs some context around it. For example- additional load in a home (such as electrification of gas appliances) has the potential to trip the supply breaker if the consumer uses several high load appliances at once. Usually, the homeowner will be able to reset their supply breaker and adjust their usage. Must the home supply be upgraded (at substantial cost) to avoid detriment in the form of outage? It should be acceptable to apply the limitation method of maximum demand management from the existing wiring rules, and educate the consumer. The consumer should be able to choose whether or not they want their supply upgraded. The contractor should not be given the right to make the choice for them.

The fifth dot point relating to “control” also needs more context. Consumers should have access to prior, free and informed consent before control of their assets is handed over. In Queensland, if a consumer wants to install a 7kW single phase EV charger at their home, they must allow the distributor the ability to turn down their EV charger should they deem it necessary<sup>4</sup>. The consumer is given no notice or ability to opt-out when the device is being managed. This is an example of how not to do it, and the AER agrees.<sup>5</sup>

#### Page 35-

The dot point concerning “product stewardship”. Installers today should not have to comply with stewardship requirements that have not yet been finalised. When the stewardship requirements are finalised, that will be the right time to ask businesses to quote for installations that will include the cost of future decommissioning.

#### Page 36-

Regarding reliable energy supply, the ability to charge an EV from household supply in a typical home massively increases the existing protection that the consumer enjoys relative to supply of energy for transport. If a consumer can't pay for petrol immediately, they've no right to it and will be charged for theft if they take it. If a consumer can't pay their electricity bill (which includes vehicle charging), they will go on a payment/hardship plan, but they would not be cut off.

The “do-nothing” regulatory response will naturally deliver a massive consumer protection increase for most EV owners. It's not at all clear that this is necessary, but it's definitely happening, and would be difficult to avoid.

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<sup>4</sup> [Queensland Electricity Connection Manual \(QECM\) | Energex](#)

<sup>5</sup> [Report template](#)

Page 38-

EWOV received 11,000 CER complaints from 2017 to 2024, and it was noted that more than half relate to Solar. Before including EVs in new regulatory reform, the EVC would like to know how many were to do with EVs specifically. We would also like to see the de-identified complaints, to understand what corrective and regulatory pathways already exist that could solve the emergent harms.

Page 44-

If EVs are to be considered in this regulatory work, the AFIR regulatory framework in the EU will warrant a close look. Rather than creating a bespoke regulatory framework and approach from scratch, consideration should be given to adopting “proven good” regulatory approaches from jurisdictions further along the EV uptake journey than Victoria.

Questions on page 45:

Q4:

EV Charging should be excluded, on the basis that there is no clear evidence of consumer harm that inclusion of EV charging installations in this regime would fix.

Room could be left for future inclusion of EV in this framework, in the event that the framework works, AND EV causes problems that this mechanism might plausibly fix.

Q6/7:

EV is the \*least\* - refer above, protections on home electricity supply massively exceed protections on domestic petrol and diesel supply; there's a huge consumer protection free kick built into the transition to EVs for anyone that can easily charge at home- which is ~75% of the population.

We understand from discussions with multiple state level ombudsmen that very, very few of the 11,000 EWOV CER complaints related to EV.

We'd suggest that a breakdown of complaints to EWOV by technology type and by year should be published for transparency purposes.

### Recommendations

Given the adverse effects that extending regulation to behind the meter EV chargers would have, the EVC recommends that:

- EVs be exempted from expanded regulation, and
- Energy for EVs continue to be recognised as ‘non-essential’ services.

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If you have any questions on this submission, please contact Michael, at [office@evc.org.au](mailto:office@evc.org.au).

Thank you for your consideration of our submission.

Yours sincerely,  
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