



Mr Joe Dimasi  
Senior Commissioner  
Independent Competition and Regulatory Commission  
By email: [icrc@act.gov.au](mailto:icrc@act.gov.au)

9 April 2021

Dear Senior Commissioner

### ACAT Response to Report No 4 of 2021

#### *Improving the transparency and comparability of retail electricity offers*

The ACT Civil and Administrative Tribunal (the ACAT) is the jurisdictional energy ombudsman for the ACT.

We have reviewed the draft Report 4 of 2021 and the draft *ACT Retail Electricity (Transparency and Comparability) Code*.

The ACAT notes the importance of the matters dealt with in the Report and the potential benefit to consumers of the draft Code.

Our only brief observations in relation to the draft Code are as follows:

- in relation to the comparison between the reference price and an offer price (expressed as a percentage), would it be possible to ensure that:
  - the basis on which the comparison is made takes into account the cost of any break fee/early termination fee or like fee or charge; or
  - the notice alerts the consumer that such fees (and any other costs) might be incurred,

so the consumer can make a fully informed choice about whether to accept an apparently better offer?

- The requirements in relation to a better offer check differ between customers who have a smart meter and customers who do not have a smart meter. It seems possible, if not likely, that the scheme will operate more to the benefit of people with a smart meter than those without. That outcome might depend on what “reasonable endeavours” a retailer uses to assess the circumstances of a small customer who does not have a smart meter. The ACAT acknowledges that clause 3.3(2)(b) of the draft Code when read with clause 3.3(3) is probably as prescriptive as is practicable. However, we would be



interested to know whether and how, once the Code is in operation, such “reasonable endeavours” will be assessed.

The ACAT assumes that implementation of the Code would involve additional work on the part of retailers. Indeed, the Report indicates that retailers who do not currently operate in South Australia, New South Wales, south-east Queensland or Victoria will likely require systems to be updated and may incur cost to do this (pages 18, 25). Is there a period within which, or date by which, retailers will have to comply with the Code?

Yours sincerely



President