



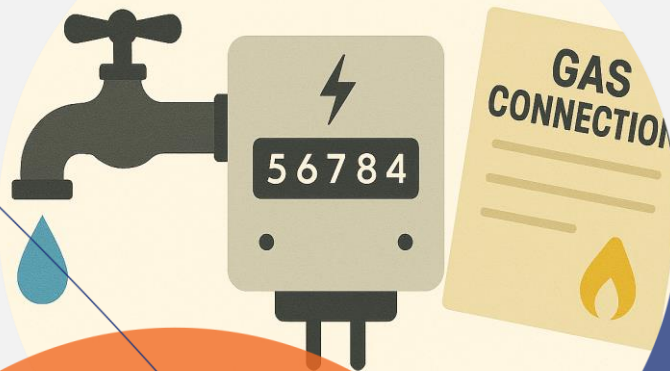
ICRC

independent competition and regulatory commission

ISSUES PAPER

Review of Consumer Protection Code

Report 4 of 2026, June 2026



The Independent Competition and Regulatory Commission is a Territory Authority established under the *Independent Competition and Regulatory Commission Act 1997* (the ICRC Act). We are constituted under the ICRC Act by one or more standing commissioners and any associated commissioners appointed for specific purposes. Commissioners are statutory appointments. Richard Owens is the current Senior Commissioner who constitutes the Commission and takes direct responsibility for delivery of the outcomes of the Commission.

We have responsibility for a broad range of regulatory and utility administrative matters. We are responsible under the ICRC Act for regulating and advising government about pricing and other matters for monopoly, near-monopoly and ministerially declared regulated industries, and providing advice on competitive neutrality complaints and government-regulated activities. We also have responsibility for arbitrating infrastructure access disputes under the ICRC Act.

We manage the utility licence framework in the ACT, established under the *Utilities Act 2000* (Utilities Act). We are responsible for the licensing determination process, monitoring licensees' compliance with their legislative and licence obligations and determination of utility industry codes.

Our objectives are set out in section 7 and 19L of the ICRC Act and section 3 of the Utilities Act. In discharging our objectives and functions, we provide independent robust analysis and advice.

This document contains hyperlinks to supplementary material. If you are reading a printed copy, you can find a digital version at the ICRC website.

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Correspondence or other inquiries may be directed to the Commission at the following address:

Independent Competition and Regulatory Commission
PO Box 158
Canberra City ACT 2601

We may be contacted at the above address, or by telephone on (02) 6205 0799. Our website is at www.icrc.act.gov.au and our email address is icrc@act.gov.au.

Acknowledgement of Country

The Independent Competition and Regulatory Commission acknowledge the Ngunnawal people as traditional custodians of the land and recognise any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

How to make a submission

This issues paper invites stakeholders to provide feedback, evidence and suggestions to inform the Commission's draft decisions on the Consumer Protection Code.

Submissions on the issues paper close on 6th July 2026.

Please send submissions to the ICRC at:

By post: Independent Competition and Regulatory Commission
 PO Box 158
 Canberra City ACT 2601

By email: icrc@act.gov.au.

The Commission encourages stakeholders to make submissions in either Microsoft Word format or PDF (OCR readable text format – that is, they should be direct conversions from the word-processing program, rather than scanned copies in which the text cannot be searched).

Submissions from individuals will have personal details removed before publication on our website. Unless clearly marked confidential (preferably under separate cover and titled "In Confidence"), submissions will be treated as public and published on our website in line with our principles of openness, transparency, consistency, and accountability.

The Commission may be contacted at the above address, by telephone on (02) 6205 0799 or via the Commission's website at www.icrc.act.gov.au.

Table of Contents

| | |
|--|------------------|
| How to make a submission | i |
| <u>Summary</u> | <u>2</u> |
| <u>1. Introduction</u> | <u>4</u> |
| 1.1 Purpose and scope of the Code | 4 |
| 1.2 Timeline for the review | 5 |
| 1.3 How you can contribute | 5 |
| <u>2. Areas for stakeholder input</u> | <u>6</u> |
| 2.1 Readability and enforceability | 6 |
| 2.2 Guaranteed Service levels | 7 |
| 2.3 Relationship with the National Energy Customer Framework | 7 |
| 2.4 Vulnerable customers and hardship | 8 |
| 2.5 Other matters | 9 |
| 2.6 Consultation questions | 9 |
| <u>Appendix 1 Application of the Consumer Protection Code to utilities</u> | <u>11</u> |
| <u>Appendix 2 Jurisdictional electricity GSLs and rebates</u> | <u>14</u> |
| <u>Appendix 3 Protections for vulnerable and hardship customers in the water sector</u> | <u>16</u> |
| <u>Abbreviation and acronyms</u> | <u>27</u> |

List of tables

| | |
|---|----|
| Table 1.1 Indicative review timeline | 5 |
| Table A1.1 Application of the Consumer Protection Code to utilities | 11 |
| Table A2.1 Applicable GSL payments across jurisdictions (Electricity) | 14 |
| Table A3.1: A comparison on state water consumer protection codes | 21 |

Summary

The [Consumer Protection Code](#) sets protections for customers that electricity, gas and water utilities must meet when providing services to customers in the ACT. It covers things such as service quality, communication with customers, protections for vulnerable customers, and how disputes are managed.

The Consumer Protection Code (the Code) has been in place for many years. Consumer expectations, technology and utility markets continue to evolve, and the Commission is reviewing the Code to ensure it remains fit for purpose and responsive to current and emerging consumer issues in ACT utility markets.

The review will consider whether consumer protections, including guaranteed service levels, are appropriate and meaningful, whether the Code is accessible, clear, and enforceable; and how best to manage overlaps with the National Energy Retail Law (NERL) and Rules, particularly for retailers operating in the ACT. The Commission will balance consumer protection outcomes with regulatory simplicity and compliance costs, as well as the potential impacts on competition and customer prices.

This issues paper is the first step in that review. We want to hear from the community, utilities, consumer advocates and other stakeholders about what matters most and what areas of the Code may need updating. Following feedback on this issues paper, the Commission will prepare a draft Code and draft decision for consultation later in 2026.

1. Introduction

The Independent Competition and Regulatory Commission (the Commission) is undertaking a review of the Consumer Protection Code (the Code). The review is intended to inform a revised Code, with a draft determination expected to be released in the second half of 2026.

The issues paper is the first step in the review process, it seeks input from stakeholders on whether the Code's current purpose, scope and protections remain appropriate and how the Code can be improved to remain clear, effective and enforceable within the ACT and national regulatory framework.

1.1 Purpose and scope of the Code

The Code is an industry code made under the *Utilities Act 2000* (the Act). The Code establishes minimum consumer protection requirements for utilities providing electricity, gas, water and sewerage services in the ACT.

The main purpose of the Code is to ensure that customers and consumers receive appropriate and transparent levels of service from essential utility services. It does this by setting minimum standards relating to service, information and conduct of the utilities, by extension increasing customer confidence in the sector.

As reflected in clause 1.3 of the Code, the Code

- outlines the rights of customers and consumers in relation to connection to, disconnection from, and the provision of utility services, and access to product and service information
- sets out the circumstances in which a utility may interrupt, restrict or disconnect the supply of utility services
- establishes obligations utilities must meet when dealing with customers and consumers
- requires utilities providing water and sewerage services to give effect to specified matters in their customer contracts, and
- sets out certain obligations that National Energy Retail Law (NERL) retailers must meet when providing customer retail services.

The Code sets out obligations across a range of areas including billing, customer communication, complaint handling, conduct standards, guaranteed services levels (GSLs) which are the minimum service standards customers should receive and rebates that customers are entitled to receive if these minimum standards are not met.

The scope and application of the Code differ across utility types. The Code was first introduced in 2000 and last reviewed in 2020. Over time, reforms at the national level have resulted in many consumer protections for electricity and gas customers being dealt with primarily under the National Energy Consumer Framework (NECF). Because of this, the Code now plays a more limited role for gas and electricity retailers and distributors, applying only to a limited number of consumer protections that sit outside the scope of the NECF. The Code remains the primary instrument providing consumer protections for water and sewerage customers in the ACT.

To assist stakeholders in understanding the scope of the review the Commission notes that the Code:

- is not intended to regulate matters that are regulated within the NECF,
- sets requirements for customer contracts but is not intended to replace or duplicate matters addressed in those contracts, and
- does not cover matters regulated under other industry codes such as the Transparency and Comparability Code and Capital Contribution Code.

An overview of how the current Code applies to water and sewerage utilities, electricity and Gas distributors and NERL retailers is provided at [Appendix 1](#).

1.2 Timeline for the review

Table 1.1 below outlines the Commission’s indicative timeline for the Code review.

Table 1.1 Indicative review timeline

| Milestone | Date |
|--|--|
| Release of issues paper | 4 June 2026 |
| Public submissions close | 6 July 2026 |
| Release of draft decision and draft Code | Second half 2026 |
| Submissions due | 30 days from release of draft decision |
| Release of final determination and Code | First half 2027 |
| Commencement date of the Code | TBC |

1.3 How you can contribute

The Commission welcomes submissions from individuals, community organisations, utilities, and other stakeholders. You do not need specialist or technical knowledge to participate.

Submissions close on 6th July 2026.

2. Areas for stakeholder input

The Commission is seeking stakeholder views to guide the review. In particular, the Commission is interested in views on:

- whether the division of consumer protections between the Code, the NECF and other instruments is clear and effective
- whether the Code appropriately balances minimum regulatory protections with matters better addressed in utility customer contracts, and
- whether there are gaps, overlaps or areas of uncertainty that should be addressed through amendments to the Code.

In undertaking the review, the Commission will consider whether the Code:

- continues to provide appropriate and meaningful consumer protections,
- clearly articulates which obligations apply to which types of utilities,
- is sufficiently clear to support effective enforcement under the Commission's regulatory powers, and
- appropriately compliments consumer protections contained in the national energy laws.

The Commission will seek to balance consumer protection outcomes with regulatory simplicity, reasonable compliance cost and the maintenance of effective utility markets.

Below we highlight some of the broad themes raised with the Commission or observed over time. The Commission is not proposing specific amendments at this stage. Instead, we invite stakeholders to share what issues are most important and where the Code requires clarification or reform.

2.1 Readability and enforceability

Since the Code was first introduced, the Commission's regulatory and compliance role has evolved significantly. The Code was developed in an environment where the obligations were primarily relied upon to guide industry behaviour rather than to support compliance and enforcement action and the Commission had limited enforcement tools available to respond to non-compliance.

The Commission now has access to a broader range of enforcement powers. This change has increased the importance of ensuring that obligations under the Code are clearly drafted and sufficiently precise to support effective monitoring and enforcement. Provisions that are unclear, overly complex or ambiguous can limit regulatory effectiveness, create uncertainty for utilities, and reduce the confidence of consumers.

This change in the Commission's enforcement ability and maintaining its role as an effective, agile regulator moving forward, are key drivers of the review. The review seeks to assess whether the Code's structure and scope remain fit for purpose in a contemporary regulatory environment, identifying whether improvements are needed to ensure the Code can operate as an effective consumer protection instrument

Stakeholders have indicated that issues that arise from the drafting and structure of the Code making parts unclear and difficult to navigate. A key source of complexity arises from the historical development of the Code and the subsequent introduction of the NECF. The Code was originally designed to apply broadly across electricity, gas and water utilities. However, over time, many consumer protections for electricity

and gas customers have been transferred to the NECF, while the Code has remained the primary instrument for water and sewerage services.

This has resulted in a dual framework in which water customers primarily rely on the Code, while electricity and gas customers rely largely on national laws. The resulting overlap, exclusions and partial application of Code provisions can make it difficult for stakeholders to understand which protections apply in practice.

Over the review the Commission will seek to resolve these issues and clarify what parts of the Code apply across the utility types.

The Commission seeks stakeholder views on:

- Aspects of the Code that are difficult to interpret and apply, and why?
- Where the structure of the Code can be improved?
- How could the Code more clearly and systematically identify which utility services they apply to?

2.2 Guaranteed Service Levels

Guaranteed Service Level (GSL) payments recognise the inconvenience consumers experience when the minimum service standards are not met, for example, extended outages or delays in new connections. GSLs are not designed to fully compensate customers for all losses or disruptions. Rather, they establish a minimum standard of service and provide an incentive for utilities to maintain performance.

The ACT currently has more GSL categories than other jurisdictions and applies GSLs to Icon Water's water and sewerage services as well as electricity and gas services. GSL payment amounts in the ACT have not changed since 2020 and certain exclusions apply such as Major Event Days which occurs when the electricity network experiences an unusually high level of outages due to extreme or abnormal conditions.

We seek feedback on whether the current scope, exclusions and payment levels of the ACT's GSL arrangements remain appropriate and continue to provide effective incentives for service performance.

A comparison of electricity GSL categories and rebate amounts across jurisdictions is provided at [Appendix 2](#).

2.3 Relationship with the National Energy Customer Framework

Electricity and gas retailers and distributors operating in the ACT are subject to both ACT legislation and national energy laws. The NECF is made up of the *National Energy Retail Law (NERL)*, *National Energy Retail Rules* and relevant provisions Chapter 5A of the *National Electricity Rules*. Together these instruments provide a framework of consumer protections covering matters such as billing, hardship assistance, disconnection protections, family and domestic violence arrangements and dispute resolution.

Many consumer protections for energy customers are primarily addressed through the NECF. As a result, some provisions in the Code do not apply to NERL retailers or apply only in a limited way. Schedule 3 of the Code specifies which obligations apply to NERL retailers, while other provisions expressly exclude electricity and gas utilities. Electricity and gas distributors are also subject to detailed consumer obligations under the

national energy rules. However, the way the Code applies to distributors is inconsistent, with some provision applying and others not. This can make the overall regulatory framework difficult to navigate.

The Commission also notes ongoing national discussions relevant to consumer protections in the energy sector. In April 2025, the Energy and Climate Change Ministerial Council released a paper under the *Better Energy Customer Experiences* (BECE) initiative, including consultation on the possible introduction of an overarching consumer duty under the NERL. While further consultation has been delayed, any future introduction of a national consumer duty may overlap with the consumer duty currently set out in clause 5(1) of the Code.

Clause 5 of the Code sets out conduct obligations for utilities; some of which overlap with current consumer protection requirements under the National Energy Retail Law and Rules. Utilities licenced in the ACT are also responsible under the Code, for the conduct of their agents or contractors. However, the Code does not extend to retailers who are already bound by similar clauses in the national framework (clause 4.3).

These overlapping frameworks can be complex for both consumers and utilities. This review seeks to assess whether the role of the Code within the broader regulatory framework is sufficiently clear, whether it supports consumers to understand their rights, and whether it assists utilities to understand and comply with their obligations.

We seek stakeholder feedback on:

- Are the current division of obligations between the Code and the NECF clear?
- Does the interaction between the frameworks create unnecessary complexity or gaps in consumer protection that should be addressed through amendments to the Code?
- Whether the Code's conduct provisions remain appropriate for energy utilities in light of potential national reforms?

2.4 Vulnerable customers and hardship

The Code contains some protections for customers experiencing vulnerability or hardship. These include requirements relating to payment difficulties, interruption of service and withdrawal of service.

For electricity and gas customers, protections relating to vulnerable customers and hardship are addressed in detail under the NECF. These include detailed requirements relating to financial hardship, family or domestic violence, life support customers and other forms of vulnerability. As these matters are primarily regulated under the NECF, this review is not seeking to duplicate protections within the Code. Instead, the Commission is interested in whether there are any consumer protection issues for electricity and gas vulnerable customers that fall outside the NECF and are more appropriately addressed in the Code.

For water customers, the Code provides the primary regulatory framework for consumer protections in the ACT. Unlike the energy sector, there is no national framework that comprehensively addresses vulnerable and hardship for water and sewerage customers. The Commission's preliminary view is that the current provisions in the Code may not fully reflect the current understandings of vulnerability or best practice approaches adopted in other jurisdictions. For example, while vulnerability may arise from a range of circumstances, the current Code contains few provisions that explicitly recognise or address vulnerability and hardship. This contrasts with recent water consumer protection instruments in other jurisdictions,

which include clearer and more tailored obligations for utilities in dealing with vulnerable or hardship customers. A comparison with other jurisdictions is included in [Appendix 3](#).

The Commission also notes that not all Australian jurisdictions regulate water consumer protections through a dedicated code. In some cases (for example, New South Wales, Queensland and the Northern Territory), consumer protections for water customers are addressed primarily through utility customer contracts and licence conditions rather than through standalone consumer protection codes.

The Commission is seeking stakeholder views on:

- Whether the Code’s current protections for vulnerable customers and customers experiencing hardship, particularly water and sewerage customers are adequate?
- Should clearer or additional protections be included in the Code for these customers?
- Whether there are specific categories of vulnerability that should be more explicitly recognised?
- Are there protections in other jurisdictions that could appropriately inform improvements to the Code?

2.5 Other matters

Technology and business practices are changing quickly. Examples include the use of automation, digital tools and artificial intelligence in billing, credit management and customer service.

We invite stakeholders to identify any emerging consumer issues or risks that should be considered as part of this review.

2.6 Consultation questions

1. Are the purpose and scope of the Code clear, including what matters are intended to be addressed through the Code and what matters sit outside its scope (for example, under the NECF or other ACT utility codes)? If not, how could it be clarified?
2. Are any parts of the Code difficult to understand interpret or navigate? If so, which provisions present challenges and why? What improvements to the drafting and structure should be considered?
3. Do the current GSL categories, exclusions and payment amounts provide the right balance between recognising consumer inconvenience and incentivising service performance? If not, what adjustments should be considered?
4. Are the current protections for vulnerable and hardship customers, particularly water customers, adequate? If not, what additional improvements should be considered? Are there examples from other jurisdictions you believe should be adopted in the ACT?
5. Is the interaction between the Code’s conduct obligations and the consumer protection requirements under the national energy laws and rules clear for electricity and gas retailers and distributors sufficient to ensure clarity and appropriate protection for consumers? If not, what changes or clarifications should be considered?
6. What aspects of the Code could better reflect the ways utilities now interact with customers (for example, digital communication, automated processes, or new technology) while remaining clear and enforceable?

7. Are there any provisions of the Code that should not apply to electricity or gas distributors because similar or equivalent obligations already exist under the national energy laws? Are there any gaps in these consumer protections that should be considered in this review?
8. Are there emerging consumer issues or risks that should be considered in this review?
9. Is there anything else the Commission should prioritise as part of this review?

Appendix 1 Application of the Consumer Protection Code to utilities

Table A1.1 Application of the Consumer Protection Code to utilities

| Part / Clause(s) | Summary of Clause | Applies to Water and Sewerage Utilities | Applies to Electricity and Gas distributors | Applies to NERL Retailer | Comment on applicability |
|------------------|--|---|---|--------------------------|--|
| Part 1 (all) | Preliminary | Yes | Yes | Yes | General coverage & guidance notes |
| Part 2 | | | | | |
| 4.1 | Reporting | Yes | Yes | Yes | |
| 4.2 | Licensed Utility obligations | Yes | Yes | No | Only applies to utilities licensed under the Utilities Act |
| 4.3 | Conduct of agents | Yes | Yes | No | The <i>National Electricity Law</i> and <i>National Gas Law</i> sets out obligations for NERL Retailers regarding conduct of agents and associates |
| 5(1) | Ethical and fair conduct | Yes | Yes | Yes | |
| 5(2) | Allowed contact hours | Yes | Yes | No | The <i>National Electricity Law</i> , <i>National Gas Law</i> and <i>Telecommunications (Telemarketing and Research Calls) Industry Standard 2017</i> sets out obligations for NERL Retailers regarding contact and marketing conduct |
| 5(3) | Identification before entry to premises | Yes | Yes | Yes | |
| 5(4) | Obligations under Code limited to Customer providing information | Yes | Yes | Yes | |

| | | | | | |
|----------|--|-----|-----|-----|--|
| 5(5) | Appointments | Yes | Yes | No | The <i>National Electricity Rules</i> and <i>National Energy Retail Rules</i> set out obligations for circumstances where NERL Retailers must make appointments (for instance meter installations). |
| 5(6) | | | | | |
| 5(7) | Coverage to agents | Yes | Yes | No | As outlined in 4.3 above. The <i>National Electricity Law</i> and <i>National Gas Law</i> sets out obligations for NERL Retailers regarding conduct of agents and associates |
| 6.1 | Complaints | Yes | Yes | Yes | |
| 6.2 | Complaints Australian standard | Yes | Yes | No | The <i>National Electricity Law</i> , <i>National Gas Law</i> and <i>National Energy Retail Rules</i> set out specific obligations for NERL Retailers in relation to complaints handling |
| 6.3 | Addressing complaints | Yes | Yes | Yes | |
| 6.4 | Keeping records of complaints | Yes | Yes | Yes | |
| 7.1 | Obligation to provide information to customers | Yes | Yes | Yes | |
| 7.2 | Cost recovery for providing information | Yes | Yes | No | NERL Retailers rights to recover costs for providing information are set out in the <i>National Electricity Retail Rules</i> |
| 7.3 | Disclosure of information to 3 rd parties | Yes | Yes | Yes | |
| 8 (all) | Notice | Yes | Yes | Yes | |
| 9.1 | Summary of Customer rights | Yes | Yes | Yes | Clause 9 does not apply to non-franchise water customers |
| 9.2 | Content and format of summary | Yes | Yes | No | Clause 9 does not apply to non-franchise water customers |
| 9.3 | | | | | The <i>National Energy Retail Rules</i> specify requirements for information that must be provided to Customers. |
| 9.4 | | | | | |
| 10 (all) | Consumers requiring life support equipment | Yes | Yes | No | The <i>National Electricity Law</i> and <i>National Energy Retail Rules</i> set out specific obligations for NERL Retailers in relation to Life Support |

| | | | | | |
|------------|---|-----|-----|---------|---|
| 11 (all) | Guaranteed Service Levels | Yes | Yes | Yes | |
| 12.1 | Charges | Yes | No | Yes | |
| 12.2 | Variation to charges | Yes | No | No | The <i>National Energy Retail Rules</i> set out specific obligations for NERL Retailers in relation to variations of price and charges. |
| 13 (all) | Billing | Yes | No | No | The <i>National Energy Retail Rules</i> set out specific obligations for NERL Retailers in relation to billing. |
| 14.1 | Hardship application | Yes | No | Yes | |
| 14.2 | Policy Requirements | Yes | No | Partial | 14.2(1) and 14.2(2) apply to NERL Retailers . The <i>National Energy Retail Rules</i> set out specific obligations for NERL Retailers in relation to hardship policy requirements. |
| 15 | Interest charges | Yes | No | No | The <i>National Energy Retail Rules</i> set out rights for NERL Retailers in relation to charging interest on overdue bills. |
| 16 | New Customer contract information | Yes | Yes | Yes | |
| Part 3 | Contract requirements for Franchise Customers (all) | Yes | No | No | Part 3 relates to water and sewerage customer contracts. |
| Schedule 1 | Water and Sewerage Services Guaranteed Service Levels | Yes | No | No | Schedule 1 relates to water and sewerage utilities |
| Schedule 2 | NERL Retailer, energy Distributor Guaranteed Service Levels | No | Yes | Yes | Schedule 2 relates to NERL retailers and Electricity and Gas distributors |

Appendix 2 Jurisdictional electricity GSLs and rebates

Table A2.1 Applicable GSL payments across jurisdictions (Electricity)

Connection Times

| Category | ACT | NSW | VIC | TAS | QLD | NT | SA | WA |
|-------------|----------------------|----------------------|----------------------|-----|----------|-------------------------|----------------------|----------------------|
| GSL applies | ✓ | ✓ | ✓ | — | ✓ | ✓ | ✓ | ✓ |
| Payment | \$60/day (max \$300) | \$60/day (max \$300) | \$80/day (max \$400) | — | \$75/day | \$72.50/day (max \$300) | \$65/day (max \$325) | \$80/day (max \$420) |

Wrongful Disconnection

| Category | ACT | NSW | VIC | TAS | QLD | NT | SA | WA |
|-------------|-------|-----|-----|-----|-------|----|----|-----------|
| GSL applies | ✓ | — | — | — | ✓ | — | — | ✓ |
| Payment | \$100 | — | — | — | \$188 | — | — | \$140/day |

Responding to Complaints

| Category | ACT | NSW | VIC | TAS | QLD | NT | SA | WA |
|-------------|------|-----|-----|-----|-----|----|----|-----------|
| GSL applies | ✓ | — | — | — | — | — | — | ✓ |
| Payment | \$20 | — | — | — | — | — | — | \$28/\$50 |

Response to Fault Notifications

| Category | ACT | NSW | VIC | TAS | QLD | NT | SA | WA |
|-------------|------------------|-----|-----|-----|-----|----|----|----|
| GSL applies | ✓ | — | — | — | — | — | — | — |
| Payment | \$60 (max \$300) | — | — | — | — | — | — | — |

Planned Interruptions – Notice

| Category | ACT | NSW | VIC | TAS | QLD | NT | SA | WA |
|-------------|------|-----|-----|-----|------|---------|----|------|
| GSL applies | ✓ | — | — | — | ✓ | ✓ | — | ✓ |
| Residential | \$50 | — | — | — | \$38 | \$72.50 | — | \$50 |

Unplanned Interruptions – Duration

| Category | ACT | NSW | VIC | TAS | QLD | NT | SA | WA |
|-------------|--------------|------------------------|---------------|-------------|--------------|-----------------|-----------------|---------------|
| GSL applies | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Threshold 1 | \$80 12+ hrs | \$120 36 hrs in a year | \$130 18+ hrs | \$80 8+ hrs | \$150 8+ hrs | \$116 12-20 hrs | \$100 12-15 hrs | \$120 12+ hrs |

Reliability – Interruption Frequency

| Category | ACT | NSW | VIC | TAS | QLD | NT | SA | WA |
|--------------|------------|-------|-------|-------------------|--------|-------|-------|----|
| GSL applies | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | — |
| Base payment | \$80 | \$120 | \$130 | \$80 | \$150 | \$116 | \$100 | — |
| Thresholds | ≥9 outages | 20–49 | 8–11 | Urban/critical 10 | CBD 13 | ≥12 | 9–12 | — |

Late for Appointments

| Category | ACT | NSW | VIC | TAS | QLD | NT | SA | WA |
|-------------|-----|-----|------|-----|------|----|------|----|
| GSL applies | — | — | ✓ | — | ✓ | — | ✓ | — |
| Payment | — | — | \$35 | — | \$75 | — | \$25 | — |

Appendix 3 Protections for vulnerable and hardship customers in the water sector

Introduction

This appendix compares the ACT Consumer Protection Code (2020) with water customer protection instruments in four comparator jurisdictions - Victoria, South Australia, Western Australia and Tasmania.

The analysis focuses on water and sewerage services, noting that electricity and gas customers are subject to nationally consistent protections under the National Energy Customer Framework (NECF). No equivalent national framework exists for water services. As a result, regulatory approaches to water consumer protection vary materially across jurisdictions.

Each competitor jurisdiction has established a regulator made instrument setting minimum standards for water service providers. These instruments establish baseline protections for customers, especially those experiencing financial hardship, vulnerability or disadvantage.

This appendix assesses these frameworks against three areas:

- Baseline protections — minimum requirements common across jurisdictions
- Contemporary regulatory practice — recent developments reflecting evolving expectations
- Regulatory architecture — how protections are implemented, monitored and enforced

Consumer Protection Codes in Other States

Victoria — Water Industry Standard (WIS)

The Water Industry Standard – Urban Customer Service (WIS-UCS) and Water Industry Standard – Rural Customer Service (WIS – RCS) are issued and administered by the Essential Services Commission (ESC) under the *Water Industry Act 1994 (Vic)*. The current standards commenced on 1 July 2024.

The Victorian framework places strong emphasis on early engagement, proactive identification of hardship, and family and domestic violence protections. Water businesses must maintain an ESC-approved Customer Support Policy and are subject to active compliance oversight, including self-reporting of potential non-compliance and enforcement mechanisms.

Victoria is also unique in applying a hardship related Guaranteed Service Level (GSL), providing automatic payments where required steps are not taken before restriction or legal action.

South Australia Water Retail Code – Major Retailers

Consumer protections for South Australian water customers are established through the Water Retail Code – Major Retailers and the SA Water Regulatory Determination 2024 (SAWRD24) administered by the Essential Services Commission of South Australia (ESCOSA) under the *Water Industry Act 2012 (SA)*.

The framework includes strengthened requirements for hardship assistance, early engagement and vulnerability, supported by a Minister-issued hardship policy. These protections are subject to regulatory oversight by ESCOSA and include phased implementation of enhanced measures, including family violence provisions.

Western Australia – Water Services Code of Conduct (Customer Service Standards) 2024

The Water Services Code of Conduct (Customer Service Standards) 2024 is administered by the Economic Regulation Authority (ERA) under the *Water Services Act 2012 (WA)*.

The Code introduces a structured approach to vulnerability, including a formal distinction between ‘payment difficulty’ and ‘financial hardship’, enabling more graduated regulatory responses. It also includes obligations relating to family violence, proactive support, concealed leaks, and customer policies, supported by licensing and enforcement powers.

Tasmania – Water and Sewerage Industry Customer Service Code

The Water and Sewerage Industry Customer Service Code is issued by the Office of the Tasmanian Economic Regulator (OTTER) under the *Water and Sewerage Industry Act 2008 (Tas)*. Version 9 of the Code commenced on 1 July 2025.

The Code establishes baseline protections and has progressively strengthened hardship-related provisions. However, it generally adopts a less prescriptive approach than other jurisdictions, with additional assistance delivered through the TasWater Assist program, which operates outside the Code.

Comparison with the ACT Consumer Protection Code

The ACT Consumer Protection Code aligns with key baseline protections commonly found across jurisdictions, including:

- mandatory hardship policies
- access to payment plans
- protections for life-support customers
- prohibition of full residential disconnection for non-payment

These elements reflect established minimum standards for water consumer protection. However, material differences remain in both the scope and strength of specific protections.

Hardship policy framework

Family and domestic violence

The ACT Consumer Protection Code does not contain any provisions specifically addressing customers affected by family or domestic violence.

In contrast, all comparator jurisdictions now include explicit obligations requiring water utilities to:

- implement dedicated policies and staff training
- avoid requiring repeat disclosure
- maintain account security and confidentiality
- adapt debt management processes
- provide referrals to specialist support service

The absence of family and domestic violence provisions represents a significant gap in the ACT framework relative to current regulatory practice and community expectations.

Proactive hardship identification and engagement

The ACT Code relies primarily on customer self-disclosure of financial difficulty. While it refers to internal processes for early identification, it does not impose an explicit obligation to identify and engage at-risk customers.

By contrast, Victoria and South Australia impose clear proactive engagement obligations while Western Australia supports early engagement through a structured hardship framework.

The absence of an explicit proactive engagement requirement may delay assistance to vulnerable customers and reduce the effectiveness of hardship protections.

External dispute resolution

In the ACT, unresolved disputes are referred to the ACT Civil and Administrative Tribunal (ACAT) as the energy and water ombudsman. This is like other jurisdictions who provide access to specialist energy and water ombudsman schemes.

Hardship policy governance and oversight

The ACT Code requires the water utility to develop and implement a hardship policy but places limited requirements on regulatory approval or performance monitoring.

Other jurisdictions adopt stronger governance mechanisms, including:

- regulatory approval of hardship policies (Victoria, Western Australia)
- Minister-issued frameworks (South Australia)
- financial incentives linked to compliance (Victoria GSL)

The ACT approach places relatively greater reliance on utility discretion, with less direct regulatory oversight.

Undercharging protections

The ACT limits recovery of undercharged amounts to 12 months prior to detection. Jurisdictions vary, Victoria applies a 4-month cap, Western Australia applies a 12-month cap while, South Australia and Tasmania rely on reasonableness tests

The ACT approach sits at the less protective end of the spectrum, potentially exposing customers to larger backdated bills

Additional contemporary protections

Other jurisdictions include a range of additional measures reflecting evolving regulatory practice aimed at improving outcomes for vulnerable customers.

Concealed leaks

Western Australia is the only jurisdiction to require all licensees to maintain a written, publicly available policy on discounting or remitting charges where higher-than-normal usage is attributable to a concealed leak from the customer's installation. The policy must specify what constitutes an eligible leak, how the customer must demonstrate it occurred, the extent of the available discount, and the process for applying.

Two-tier hardship definition

Western Australia formally distinguishes in its Code (Water Services Code of Conduct (Customer Service Standards) 2024 (WA), clause 3) between 'payment difficulties' (a temporary state of financial disadvantage) and 'financial hardship' (an ongoing state of financial disadvantage in which paying would adversely affect the customer's or a dependant's ability to meet basic living needs).

This two-tier approach enables more proportionate regulatory responses, with different obligations applying at each level. The ACT Code, like Victoria, South Australia and Tasmania, uses a single category approach, which may result in all customers disclosing financial difficulty receiving the same suite of responses regardless of whether their situation is temporary or ongoing.

Tenant protections

South Australia introduced limited tenant-focused provisions in SAWRD24, primarily relating to access to information and communication, while enforceable rights continue to sit predominantly with account holders.

The ACT Code distinguishes between 'customers' (account holders) and 'consumers' (a broader category that includes tenants) in some provisions but does not provide tenant-specific protections of comparable specificity. No other comparator jurisdiction has introduced equivalent codified tenant protections, though the issue was under active consideration in several jurisdictions during the review periods covered by this comparison.

Hardship-related Guaranteed Service Level

Victoria is unique nationally in having a hardship-related Guaranteed Service Level (GSL) under the Water Industry Standard – Urban Customer Service. If a water business fails to take the prescribed steps before restricting a customer's supply or commencing legal action against a hardship customer, it must make an automatic GSL payment to that customer, without the customer needing to apply or complain. This mechanism creates a direct financial incentive for proactive, early engagement with customers in financial difficulty. No equivalent mechanism exists in the ACT Code or in any other comparator jurisdiction.

Summary

This comparison indicates that, while the ACT Consumer Protection Code aligns with baseline protections common across jurisdictions, it does not reflect several key developments in

contemporary water consumer protection frameworks, particularly in relation to family violence, proactive hardship engagement and specialist dispute resolution. These differences are relevant when assessing whether the ACT framework continues to reflect community expectations.

Table A3.1 below provides a detailed summary of the similarities and differences between the state codes.

Table A3.1: A comparison on state water consumer protection codes

| Protection / Provision | ACT (ICRC) | Victoria (ESC) | South Australia (ESCOSA) | Western Australia (ERA) | Tasmania (OTTER) |
|--|--------------|--|--|--------------------------|--|
| A. FAMILY AND DOMESTIC VIOLENCE | | | | | |
| Family violence policy required | No provision | Mandatory; enforceable since 2018; substantially strengthened April 2024 | Required from July 2024; full implementation by January 2026 | Embedded in 2024 Code | TasWater Assist provides referrals; not fully codified in Code |
| Staff training obligation | No | Ongoing training mandated | Required under SAWRD24 | Required under 2024 Code | Not codified in Code text |
| No repeat disclosure requirement | No | Explicit obligation | Required under SAWRD24 | Required under 2024 Code | Not codified |
| Account security / confidentiality for affected customers | No | Yes | Yes | Yes | Not codified |
| Billing fee waiver for affected customers | No | Must not charge for sending bill | Not explicit | Explicit in 2024 Code | Not codified |
| Debt management adapted for affected customers | No | Yes | Yes | Yes | Not codified |
| Referral to external family violence services | No | Yes | Yes | Yes | Via TasWater Assist |

| Protection / Provision | ACT (ICRC) | Victoria (ESC) | South Australia (ESCOSA) | Western Australia (ERA) | Tasmania (OTTER) |
|--|--|---------------------------------------|---|---|------------------|
| B. FINANCIAL HARDSHIP POLICY | | | | | |
| Hardship policy mandatory | Icon Water must develop, publish and implement | Customer Support Policy; ESC-approved | Minister's policy or ESCOSA-approved modification | ERA-approved; publicly available | Yes |
| Formal two-tier hardship definition (payment difficulties / financial hardship) | Single category approach | Single category | Single category | Distinction in Code; proportionate response | Single category |
| Flexible payment options calibrated to capacity to pay | Yes | Yes | Yes | Yes | Yes |
| Referral to government assistance and financial counsellors | Yes | Yes | Yes | Yes | Yes |
| Exemption from restriction, interest and legal action while on hardship plan | Yes | Yes | Yes | Yes | Yes |
| Staff training to treat hardship customers with respect | Explicit 'without value judgements' standard | Yes | Yes | Yes | Yes |
| Accessibility provisions (low English literacy / no internet / disability) | Yes | Yes | Yes | Yes | Yes |
| Hardship-related Guaranteed Service Level (automatic payment if | No | Unique nationally — creates direct | No | No | No |

| Protection / Provision | ACT (ICRC) | Victoria (ESC) | South Australia (ESCOSA) | Western Australia (ERA) | Tasmania (OTTER) |
|---|--|--|---|---|--|
| prescribed steps not taken before restriction / legal action) | | financial incentive for proactive engagement | | | |
| C. PROACTIVE HARDSHIP IDENTIFICATION AND OUTREACH | | | | | |
| Explicit proactive outreach obligation in Code | Code refers to 'early identification' in policy; no explicit outreach obligation | Must identify, contact and engage at-risk customers before self-disclosure | Required under Minister's hardship policy | Supported by two-tier definition and hardship policy requirements | Via TasWater Assist program; not an explicit Code obligation |
| Proactive outreach covers concession entitlements | Not specified | Explicit | Yes | Yes | Via TasWater Assist |
| D. PAYMENT ASSISTANCE AND PAYMENT PLANS | | | | | |
| Payment plan must be offered when difficulty disclosed | Yes | Yes | Yes | Yes | Yes |
| Two-strike rule on payment plans | Yes | With discretion if reasonable assurance given | Yes | With discretion if reasonable assurance given | Yes |
| Payment plan explicitly interest-free and fee-free | Implied | Yes | Yes | Explicitly covers disconnection / restoration charges | Yes |
| Centrepay access | Yes | Yes | Yes | Yes | Via TasWater Assist |

| Protection / Provision | ACT (ICRC) | Victoria (ESC) | South Australia (ESCOSA) | Western Australia (ERA) | Tasmania (OTTER) |
|--|---|---|--|---|---|
| E. RESTRICTION AND DISCONNECTION FOR NON-PAYMENT | | | | | |
| Full disconnection of residential premises for non-payment prohibited | Yes | Yes | Yes | Water Services Act 2012 | Yes |
| Explicit minimum flow rate on restriction | 2 L/min stated in Code | Not stated numerically in WIS | Prescribed minimum rate set in Regulations | Prescribed in Regulations, not Code | Not specified numerically in Code |
| Restriction timing prohibitions | After 3pm; Fri-Sun; public holidays and day before | Before 8am or after 8pm; weekends; public holidays | Yes | Before 8am or after 4pm; weekends; public holidays | Yes |
| Stay on restriction while complaint is being investigated | ACAT hardship complaint stay only — does not cover billing disputes | EWOV practice — can request stay during investigation | EWOSA practice | Explicit — stay on restriction and interest while any complaint is under ombudsman review | General Ombudsman lacks specialist powers |
| Restoration timeframe after payment or arrangement | Within 24 hours | Promptly within plan arrangement | Minimum timeframes apply | 95% within 24 hours; 100% within 5 business days | Specified in Code |
| F. BILLING ACCURACY — UNDERCHARGING | | | | | |
| Undercharge recovery cap | 12 months from utility becoming aware | 4 months from notification — strictest in Australia | No fixed numerical cap | 12 months from date customer informed | Not numerically specified |

| Protection / Provision | ACT (ICRC) | Victoria (ESC) | South Australia (ESCOSA) | Western Australia (ERA) | Tasmania (OTTER) |
|--|---|-------------------------------------|---------------------------|---|-------------------------|
| Interest on undercharged amounts | Prohibited | Prohibited | Generally no | No, unless customer defaults and not in hardship or ombudsman investigation | Generally no |
| Customer given time to repay undercharge | At least as long as undercharge accrued | 4 months or flexible plan | Reasonable repayment plan | Equal to duration or 12 months, whichever shorter | Yes |
| G. CONCEALED LEAKS | | | | | |
| Concealed leak discount / remission policy required | No provision | No explicit provision in WIS | No explicit provision | Mandatory written, available policy for all licensees | No provision |
| H. LIFE SUPPORT AND MEDICAL NEEDS | | | | | |
| Life support / preserved supply register | Life Support Supply Address register | Yes | Yes | Preserved Supply Register (covers special needs) | Yes |
| Restriction prohibited while life support in use | Yes | Yes | Yes | No flow reduction below minimum | Yes |
| Planned interruption notice for registered premises | 4 business days minimum | 2+ business days minimum (enhanced) | Specified in Code | As far in advance as practicable; direct contact required | 4 business days minimum |

| Protection / Provision | ACT (ICRC) | Victoria (ESC) | South Australia (ESCOSA) | Western Australia (ERA) | Tasmania (OTTER) |
|--|---|---|--|--|--|
| I. TENANT AND CONSUMER PROTECTIONS | | | | | |
| Specific tenant / consumer provisions beyond general Code protections | Customer v consumer distinction in Code; no tenant-specific protections | General consumer protections apply | Specific tenant protections in SAWRD24 — rights to billing data and communication arrangements | Occupier provisions in Water Services Act 2012 | General consumer protections |
| J. COMPLAINTS AND EXTERNAL DISPUTE RESOLUTION | | | | | |
| External dispute body | ACAT — general civil and administrative tribunal | EWOV — specialist free water and energy ombudsman | EWOSA — specialist free water and energy ombudsman | EWOWA — specialist free water and energy ombudsman | Tasmanian Ombudsman — government ombudsman |
| Specialist water expertise in external body | General tribunal | Yes | Yes | Yes | General body |
| Ombudsman / body phone number on every bill | Not required | Yes | Yes | Freecall number must appear on every bill | Not specified in Code |
| Access threshold for external dispute resolution | Formal proceedings initiation required | Free; initiated by phone call; informal | Free; informal | Free; informal; Freecall number on bills | Free; internal escalation first required |

Abbreviation and acronyms

| | |
|---------------|---|
| ACT | Australian Capital Territory |
| ACAT | ACT Civil and Administrative Tribunal |
| Code | Consumer Protection Code |
| Commission | Independent Competition and Regulatory Commission |
| GSL | Guaranteed Service Level |
| ICRC Act | <i>Independent Competition and Regulatory Commission Act 1997</i> |
| MED | Major Event Days |
| NERL | National Energy Retail Law and Rules |
| NECF | National Energy Customer Framework |
| Retailer | An energy retailer authorised under the NERL |
| Utilities Act | <i>Utilities Act 2000</i> |



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