Submission to the Review of the ACT Consumer Protection Code

Closing the consumer protection gap for households in embedded electricity networks

Submitted by: [redacted]
Submitted to: Independent Competition and Regulatory Commission
Re: Consumer Protection Code Review 2026-27, Issues Paper (Report 4 of 2026)
Date: July 2026

Summary

I am a resident of a 135-home residential development in Greenway that is supplied with electricity through an embedded network. I make this submission in a personal capacity and on the public record. It responds primarily to the Commission's consultation questions 1, 5, 7, 8 and 9.

My central point is one of scope. Households in embedded networks fall through the seam between the three instruments that are meant to protect ACT energy consumers: the Consumer Protection Code, which the issues paper confirms now plays only a 'more limited role' for energy; the National Energy Consumer Framework, which does not reach consumers supplied by an exempt seller; and the Transparency and Comparability Code, whose application to embedded networks is contested. The result is that a household like mine is clearly and fully protected by none of them. That is exactly the kind of gap this review asks stakeholders to identify. I recommend that the Commission:

1. Recognise embedded network customers as a distinct category and clarify which Code protections apply to them (questions 1 and 7).
2. Ensure the Code's baseline consumer protections reach consumers supplied by exempt sellers, or identify clearly which instrument will carry each protection, so that none is left owned by no one (questions 5 and 7).
3. Recognise embedded networks as an emerging consumer risk, given the Territory's shift toward higher-density housing where they concentrate (question 8).
4. Prioritise closing this gap, coordinating with the Transparency and Comparability Code and the Territory's embedded network reform so the protection lands somewhere (question 9).

I set out my circumstances as evidence of the gap, then the gap itself and why it is urgent, then the reasoning behind each recommendation. I have attributed each fix to the instrument properly responsible for it, including where that is not this Code.

1. My circumstances, as evidence of the gap

I live in one of 135 homes in the Shoreline development in Greenway. Our electricity is supplied through an embedded network, with Origin Energy acting as both the retailer and the embedded network manager. From 1 July 2026 I am charged a single flat rate of 28.99 cents per kWh and a daily supply charge of 153.31 cents per day, with no time-of-use or off-peak option.

I drive an electric vehicle and charge it at home, overnight, on my existing smart meter. ACT households on the open market who own an electric vehicle can access a dedicated overnight rate of around 12 cents per kWh. I cannot. When I asked to be moved onto a time-of-use or electric vehicle tariff, my retailer confirmed my meter was capable but advised, in writing, that it does not offer tariff switching for embedded meters. When I explored changing retailers, the Territory's largest retailer advised that it does not service embedded networks in any form. In practice, no competing retailer will take on a single embedded connection, and the only party able to enable a transfer is the embedded network manager I would be seeking to leave.

I raise these facts not to ask this Code to set my prices, which I accept sits elsewhere, but as evidence of something the Code review can address: an ordinary residential energy consumer can be left outside every protective framework at once, unable to shop, unable to access a standard tariff, and unable to obtain a straight answer about which protections apply.

2. The gap: no instrument clearly protects embedded customers

The issues paper is clear that the Code now plays a more limited role for electricity and gas, with most energy consumer protection sitting under the National Energy Consumer Framework, and that the Code does not cover matters regulated under the Transparency and Comparability Code. That division is coherent for a customer of an authorised retailer. It breaks down for a customer of an embedded network.

The Code's energy obligations are framed around NERL retailers, as Appendix 1 of the issues paper sets out. An embedded network is typically supplied by an exempt seller rather than a NERL retailer, so the Code's retailer obligations do not clearly bind the entity that sells me my electricity. At the same time, the National Energy Consumer Framework, which the paper says now carries most energy protection, largely does not reach consumers behind an exempt seller. And the reference-price protections that would otherwise discipline my pricing sit in the Transparency and Comparability Code, whose application to embedded networks is itself disputed.

So three instruments exist, and an embedded network household sits squarely inside none of them. This is not a drafting nuance. It is the lived experience described above, and it is precisely the gap created by the interaction between the frameworks that questions 5 and 7 invite stakeholders to raise. It is also a scope question under question 1: the issues paper does not mention embedded networks at all. That silence is the point. A consumer cannot tell which protections apply to them, because in practice few clearly do.

3. Why this is urgent

This gap is widening, not closing. Embedded networks concentrate in the higher-density developments the ACT is actively encouraging, so the affected cohort grows with every new building. My own network is 135 homes, and it is one of many.

Electrification sharpens the harm. Embedded customers cannot access the time-of-use and electric vehicle tariffs available to other households, so a resident who buys an electric vehicle, exactly the choice ACT policy encourages, is penalised for where they live. As uptake rises, a pricing inconvenience becomes a structural barrier to the Territory's own emissions goals. This is an emerging consumer risk of the kind question 8 asks the Commission to consider, and it is far better scoped now than after the affected cohort has doubled.

4. Recommendations

Recommendation 1. Recognise embedded network customers and clarify their protections.

The Code should name customers supplied through embedded networks as a distinct category and state plainly which protections apply to them. Where a baseline protection properly belongs in this Code, such as clear billing, complaint handling, access to information about one's rights, and a workable path to dispute resolution, it should apply to consumers supplied by exempt sellers and not only to customers of NERL retailers. Protection should follow the consumer, not the licence category of the seller. This speaks directly to questions 1 and 7.

Recommendation 2. Close the seam by assigning every protection to an instrument.

For protections that properly sit outside this Code, the Commission should still use this review to identify where each will be delivered: reference-price and pricing protection through the Transparency and Comparability Code; retailer choice, metering and tariff access through the National Energy Consumer Framework and the Australian Energy Regulator's exempt-selling framework; and the underlying exemption through the Utilities Act 2000. The test the paper sets at question 5, whether the interaction between frameworks is sufficient to ensure appropriate protection for consumers, is failed for embedded customers today. The remedy is to ensure that no protection is left owned by no one.

Recommendation 3. Treat embedded networks as an emerging consumer risk.

Given the Territory's density trajectory and rising electric vehicle uptake, the Commission should expressly consider embedded network consumers within the scope of this review, under question 8, rather than leaving them unaddressed as the issues paper currently does.

Recommendation 4. Prioritise coordination so the gap is closed somewhere.

As a priority under question 9, the Commission should map embedded network consumer protection across the Code, the Transparency and Comparability Code and the Territory's embedded network reform, and commit to closing the gap in at least one of them. The risk today is not that any single body opposes protection for these households. It is that they fall between reviews. Coordination is the fix.

5. Conclusion

I did not set out to make a submission to a regulatory review. I set out to move my household onto a fairer electricity arrangement, and found that the ordinary protections and choices available to other ACT residents did not reach me, because of where I live. There are 135 households in my building alone, and many thousands more across the Territory, in the same position. I am not asking this Code to do everything. I am asking the Commission to ensure that no ACT energy consumer is left outside every framework at once, and to use this review to decide where the protection for embedded network customers will finally sit. I would welcome the opportunity to provide any further information that would assist the Commission.

References and notes

1. Origin Energy, electricity price change notice for the supply address, 16 June 2026 (rates effective 1 July 2026).
2. Independent Competition and Regulatory Commission, Consumer Protection Code Review 2026-27, Issues Paper (Report 4 of 2026), June 2026: section 1.1 (scope of the Code and its limited role for energy), section 2.3 (relationship with the National Energy Consumer Framework), the consultation questions at section 2.6, and Appendix 1 (application of the Code to NERL retailers).
3. Review of Embedded Networks in the ACT, Final Report (ACT Government), recommending removal of the Utilities Act 2000 exemption for embedded networks and extension of protections to networks with ten or more residential customers.
4. Independent Competition and Regulatory Commission, ACT Retail Electricity (Transparency and Comparability) Code, under which reference-price obligations are set and whose application to embedded networks is contested.
5. Australian Energy Regulator, exempt selling framework, under which embedded network sellers typically operate.