PROPERTY COUNCIL of Australia

Property Council of Australia ABN 13 00847 4422
A Level 4, 10 Moore Street, Canberra ACT 2601
E act@propertycouncil.com.au
W propertycouncil.com.au

Thank you for the opportunity to provide a submission on the Review of Consumer Protection Code.

The Property Council ACT & Capital Region represents owners, investors, developers, managers, and operators across the commercial, industrial, retail, residential, retirement living and build-to-rent sectors. Our members are significant users of utility services and contribute substantial investment towards the infrastructure that supports Canberra's growing population and economy.

We support strong consumer protections, transparency, and accountability in the provision of essential utility services. However, from the perspective of the property industry, the review should extend beyond traditional residential customer protections and consider the broader impacts of utility performance on housing delivery, business investment, economic productivity and the cost of living.

The ACT is facing housing supply and affordability challenges, with ambitious housing delivery targets. Infrastructure and utility servicing are critical enablers of that growth. Delays in utility approvals, connections, infrastructure augmentation and commissioning can add significant costs, create uncertainty and delay the delivery of new homes and employment-generating developments.

In monopoly and near-monopoly markets, customers often have limited ability to choose alternative service providers. As a result, regulatory frameworks play an important role in ensuring utilities are responsive, efficient and accountable. The Property Council believes this review presents an important opportunity to both remove duplication between ACT requirements and the National Energy Customer Framework (NECF), which will reduce compliance costs, but to also strengthen accountability and transparency in areas where utility perfo9rmance directly affects housing supply and economic growth.

Who is a Customer?

The Issues Paper is largely focused on retail customers, hardship provisions and customer communications. While these are very important, recognition that utility customers also include developers delivering new housing, businesses requiring utility connections and upgrades, retirement living operators, community housing providers, institutional investors, owners corporations and strata managers, and commercial property owners. Poor utility performance can directly affect these customers through project delays, increased costs and uncertainty.

Importantly, when utility servicing delays prevent homes from being deliver on time, the ultimate impact is felt by future homeowners, renters, and businesses. Consumer protection should

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therefore encompass not only existing utility users but also future consumers whose access to housing and economic opportunities can be directly impacted by utility performance.

Utility Connection and Servicing Performance

The Property Council considers that one of the most significant omissions from the Issues Paper is the lack of focus on development-related utility services.

Our members consistently report challenges relating to lengthy connection approval processes, inconsistent communication, delays, uncertainty, and limited accountability when committed timeframes are not achieved. These issues can delay housing delivery for months and increase project costs significantly.

The current Consumer Protection Code is obviously heavily focused on traditional customer interactions such as billing, complaints and the retail service. The Commission should consider whether the framework adequately reflects the role utilities play in facilitating housing supply, urban renewal and economic development. We recommend the Commission investigate whether additional performance standards, reporting obligations or service benchmarks are required for development-related utility services.

Greater Transparency and Accountability

Stronger transparency obligations are supported where they improve customer outcomes and accountability. The review should consider introducing or strengthening requirements relating to connection application timeframes, design review timeframes, infrastructure delivery milestones, communication obligations during project delivery, escalation pathways for major developments, and public reporting of utility performance against service standards.

Developers and businesses frequently face uncertainty regarding utility processes and delivery timeframes. Better reporting and greater transparency would improve market confidence and help identify systemic issues. There is considerable merit in expanding the discussion around service accountability rather than focusing solely on traditional consumer protections.

Guaranteed Service Levels

We note the specific request for feedback on Guaranteed Service Levels (GSLs).

The Commission should consider whether the current GSL framework appropriately reflects the areas of utility performance that matter most in today's environment, rather than focusing exclusively on increasing payment amounts.

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If utility delays are creating impacts on housing supply, business operations and economic activity, there may be merit in considering whether existing service standards adequately capture those issues. At a minimum, the Commission should examine whether there are measurable performance indicators associated with utility connections, development servicing and infrastructure delivery that could improve accountability and customer outcomes. Any changes should, however, be practical, measurable and evidence-based.

Avoid Duplication

We do not support unnecessary regulatory duplication, particularly noting that ultimately all compliance and administrative costs are recovered from customers by way of fees.

The review should look at the consumer protections that exist for electricity and gas customers under the NECF, and remove duplication where possible, improve clarity regarding which obligations apply to which utilities, and align with national reforms where possible.

A simpler and more coherent framework will improve compliance outcomes while reducing unnecessary administrative burden. Where national frameworks already address specific issues effectively, the case for additional ACT-specific obligations should be clearly demonstrated.

Summary

We support the Commission's objective to modernise the Consumer Protection Code and improve its clarify and effectiveness. The review should move beyond traditional retail consumer protections and recognise the critical role utility performance plays in housing delivery, economic development and affordability.

Regards,

[redacted]

Ashlee Berry
ACT & Capital Region Executive Director
Property Council of Australia

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