Independent Competition and Regulatory Commission
PO Box 161
CIVIC SQUARE ACT 2608
By email: icrc@act.gov.au

1 February 2019

To Whom It May Concern:

**Consumer Protection Code review: Issues Paper**

ActewAGL Retail ("ActewAGL") welcomes the opportunity to provide a response to the Independent Competition and Regulatory Commission (ICRC) in relation to its Consumer Protection Code (CPC) Review – Issues Paper.

ActewAGL notes that the purpose of the review is to ensure the CPC remains appropriate, taking into account current and emerging utility consumer protection issues. ActewAGL supports the ICRC’s approach of being mindful of balance; to ensure consumer protections are adequate whilst minimising regulatory compliance burden and being mindful of how willing customers would be to pay for any increased protections.

As the ICRC notes (p7), the Retail Electricity Pricing Final Report, published during 2018 by the Australian Competition and Consumer Commission (ACCC), found broadly that “differences in regulation across jurisdictions in the national framework were leading to increased complexity and cost: the ACCC report recommended that jurisdictions should seek to harmonise to the national framework and reduce regulatory burden.”

ActewAGL strongly agrees with this position. ActewAGL is already subject to relevant regulation and consumer protection provisions for its electricity and gas retail customers through the existing Australian Consumer Law (ACL) as well as the National Energy Customer Framework (NECF), which was introduced in the ACT during 2012 following rigorous and comprehensive consultations and implementation planning at an industry-level.

As noted by the Australian Government's Department of the Environment and Energy¹, the NECF:

- is a national framework that regulates the connection, supply and sale of energy (electricity and gas) to grid-connected residential and small business energy customers. The NECF was developed in recognition that energy is an essential service

for all Australians and provides strong national protections. It ensures that customers should receive the same level of consumer protections, regardless of where they live.

- is comprised of the National Energy Retail Law, the National Energy Retail Regulations and the National Energy Retail Rules and the Australian Energy Regulator is responsible for monitoring and enforcement of NECF.

- provides energy-specific consumer protections and operates alongside the Australian Consumer Law. The Australian Consumer Law applies in all states and territories and applies to all Australian businesses. It provides consumer protections in areas such as unfair contract terms, product safety, misleading information, marketing, quality guarantees and product liability.

The NECF ensures consistency and relevancy across all jurisdictions. ActewAGL’s view is that an additional jurisdictional approach for electricity and gas retail customers in the ACT is no longer required. In fact, an additional mechanism beyond that set out through the national approach, introduces inefficiencies as well as additional cost and reporting burdens.

The Issues Paper (refer p17) also provides a national view of Minimum Service Standards and associated rebates. When comparing the CPC arrangements for the ACT with other jurisdictions, these too appear to be outdated and are inapplicable in most other jurisdictions. Again, it is ActewAGL’s view that the arrangements set out through the NECF are sufficient.

It is for the aforementioned reasons that ActewAGL is of the view that in the future, the CPC should be applicable only to water utilities in the ACT.

Should you wish to discuss this response further, please contact me via phone: __________ by email: __________

Yours Sincerely

Rachael Turner
Manager Strategy, Planning & Regulation