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

23 July 2026

Dear Sir/Madam

This submission is a joint response by the ACT Council of Social Service (ACTCOSS) and Care, to the Independent Competition and Regulatory Commission's (ICRC) Issues paper on the review of its Consumer Protection Code.

ACTCOSS is a peak body working to challenge systems, policies and structures that contribute to poverty and marginalisation in the ACT. We advocate on behalf of people vulnerable to disadvantage and community organisations serving them. Care is a community organisation supporting people experiencing financial challenges through provision of services such as zero interest loans, financial counselling services, and vouchers for people experiencing energy bill payment difficulty.

As organisations working reduce poverty and inequality in the ACT, we welcome the ICRC's invitation to highlight existing and emerging consumer protection issues for consideration and recommend the ICRC pursue the following recommendations to ensure better outcomes for ACT utility consumers.

We recommend the ICRC:

- Reduce the need for individual consumers to trigger enforcement action and shift the resource burden of ensuring consumer protection compliance to regulators and service providers.
- Pursue resources necessary to shift to a regulator led model for ensuring utility consumer protection.
- Introduce enhanced reporting obligations for commercial utility service providers as a means of driving the culture and practice change needed to ensure better outcomes for consumers.
- Ensure human rights standards are given due consideration in the regulation interpretation and enforcement of consumer protection.
- Adopt a harm centric approach to consumer protection. Harm specific approaches allow regulators to identify the harm that must be addressed (examples include breaches of personal information, debt, and underconsumption) and impose an obligation on utility providers to prevent and eliminate the specified harm.

  Such an approach recognises vulnerability to utility harm is not the natural result of personal attributes, but rather a state shaped by situational and structural factors such as market design, regulatory settings and social standing. It does so by placing the onus on providers to justify why measures available to address the harm identified was not implemented, rather than on the consumer to justify why they should be protected.

Under such an approach personal characteristics and situational factors do not act as criteria for protection eligibility. Rather they form part of the matrix of factors utility providers must consider alongside other factors when determining what action is required to prevent and address the harm identified. Where a group at risk of harm is especially large (e.g. renters), or the consequences if the harm eventuates is particularly severe, the ICRC may issue guidance to retailers alerting them to the increased risk of harm. It may also issue guidance on measures needed at a minimum in certain circumstances (e.g. where family violence is a factor) to ensure the harm does not eventuate or is eliminated.

- Ensure the ACT's water utility does not increase the risk of harm to people experiencing family violence, or further perpetuate harm caused by people using utility debt as a tool of violence and coercion. In the absence of a harm centric consumer protection code in the ACT the ICRC should specify minimum assistance measures such as disconnection bans, to protect people affected by family violence.

- Ensure the rights of renters to utility services are adequately protected (pending the adoption of a harm centric consumer protection approach) by introducing renter specific measures and ensuring the applicability of protections currently provided for in the Code to renters.

- Introduce penalties for failure to give effect to valid delegations of authority to deal with utility account related matters. This will help ensure vulnerable energy consumers are not pressured into ill-suited payment plans and other obligations.

- Take in to account the lack of certainty on when protections such as a consumer duty of care will introduced through the National Energy Customer Protection Framework, and the scope and content of any protections which may be delivered by progressing all possible measures necessary for the protection of ACT utility consumers and within the scope of the review during the current code review process.

- Pursue development of a single door mechanism to ensure energy consumer protection failures identified through one complaints pathway is picked up and addressed by all relevant enforcement bodies to reduce burden on consumers.

- Introduce additional disconnection protections for customers with smart meters to prevent remote disconnections without adequate safeguards.

- Identify measures required to protect ACT gas consumers during the gas network decommissioning process and begin work to progress these measures via the consumer protection code and other relevant instruments.

Yours Sincerely,

Dr. Devin Bowles
Chief Executive Officer
ACT Council of Social Service

Yours sincerely,

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Aoife Berenger
Chief Operating Officer
Care