

23 June 2026

Australian Competition and Consumer Commission

Submission via web form

### **Joint EWO submission to the ACCC - Re-authorisation of the New Energy Tech Consumer Code**

Thank you for the opportunity to comment on the Clean Energy Council (CEC)'s application for authorisation of the New Energy Tech Consumer Code (the **NETCC**).

The comments contained in this submission reflect the feedback of the Energy and Water Ombudsman Queensland (**EWOQ**), Energy & Water Ombudsman South Australia (**EWOSA**), Energy and Water Ombudsman Victoria (**EWOV**) and Energy & Water Ombudsman New South Wales (**EWON**). We are the industry-based external dispute resolution schemes for the energy and water industries in our respective states.

Our feedback on the application focuses primarily on public detriment that may arise where consumers do not have equitable access to redress for complaints.

It is disappointing that the reauthorisation process has not led to the introduction of a requirement in the code for EWO membership, but we do acknowledge the ACCC's point that "it is not within the scope of its [the ACCC's] assessment of this application to seek to create an 'ideal' regulatory or policy solution".<sup>1</sup> Rather, the ACCC's role is to satisfy itself that the proposal meets the authorisation test.

We also note the ACCC's comment that a number of signatories to the Current Code have 'resigned' from it while under complaint investigation.<sup>2</sup> This confirms our position that a voluntary code creates inconsistent levels of protections for consumers depending on who their provider is, even where they purchase the same products and services, and allows some providers to engage in conduct that leads to consumer harm and erodes trust and confidence in this market.

For this reason, we maintain our position that a mandatory obligation for providers of Consumer Energy Resources to be members of energy ombudsman offices is the best solution. We understand from discussions with ACCC staff that this possibility is being considered for inclusion in the ACCC's upcoming Inquiry into the National Energy Market report, due to be published early next financial year. We look forward to progressing this critical issue.

If you require any further information regarding this letter, please contact:


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<sup>1</sup> Draft determination, p24

<sup>2</sup> Ibid, p30

Yours sincerely



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