

Undertaking to the Australian Competition and Consumer Commission

Given under section 87B of the *Competition and Consumer Act 2010* (Cth) by
EnergyAustralia Pty Ltd ABN 99 086 014 968.

1. Person(s) Giving the Undertaking

- 1.1. This undertaking is given to the Australian Competition and Consumer Commission (**ACCC**) by EnergyAustralia Pty Ltd ABN 99 086 014 968 (**EnergyAustralia**), for the purposes of section 87B of the *Competition and Consumer Act 2010* (**CCA**) (**Undertaking**).

2. Background

EnergyAustralia

- 2.1. EnergyAustralia is a corporation authorised under the National Energy Retail Law to sell electricity. EnergyAustralia supplies electricity to residential and small business customers in New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory.

The Code

- 2.2. The Competition and Consumer (Industry Code – Electricity Retail) Regulations 2019 (the **Code**) is a mandatory industry code which applies to all electricity retailers that supply small customers in applicable distribution regions in New South Wales, South Australia and South East Queensland. As an electricity retailer supplying electricity to small customers in these regions, EnergyAustralia is required to comply with the Code.
- 2.3. The purpose of the Code includes limiting the standing offer prices that are charged to residential and small business customers and allowing consumers to compare market electricity offers more easily across retailers.
- 2.4. In 2026, the Code was amended by the *Competition and Consumer (Industry Code – Electricity Retail) Amendment Regulations 2026*. The amended Code commenced on 1 July 2026 and introduced a requirement to offer a solar sharer offer. A solar sharer offer is a standing offer by an electricity retailer to supply electricity to a residential customer who has a smart meter connected to the premises (**eligible customer**) under a flexible tariff that includes a free usage period, subject to a reasonable use tariff cap (**SSO standing offer**).
- 2.5. Under section 11 of the Code, an electricity retailer supplying electricity in a distribution region to residential customers must make an SSO standing offer to eligible customers. The amended Code also introduced requirements around customer communications, including the requirement to disclose information about the suitability of SSO standing offers to eligible customers before or at the time of making the SSO standing offer.
- 2.6. Section 51ACB of the CCA provides that a corporation must not contravene an applicable industry code, such as the Code.

Non-compliance by EnergyAustralia

- 2.7. On 23 June 2026, EnergyAustralia informed the ACCC it would not be in a position to make a SSO standing offer available to eligible customers by 1 July 2026 as required by the Code.
- 2.8. EnergyAustralia informed the ACCC that its offer would be delayed due to the following operational and system complexities:
 - (a) significant development was required to EnergyAustralia's existing billing and metering systems because they did not support the required functionality to launch the SSO standing offer;
 - (b) EnergyAustralia required additional time for the system design, billing configuration, testing and operational uplift required to make the SSO standing offer available to customers; and
 - (c) EnergyAustralia is in the process of upgrading from its legacy billing system, which is a factor that has impacted its ability to implement the SSO standing offer within the required period.
- 2.9. As a result of the concerns raised by the ACCC, between 16 July 2026 and the date that EnergyAustralia made the SSO standing offer available to eligible customers, EnergyAustralia updated its website content to advise customers (and potential customers):
 - (a) that EnergyAustralia was required to make the SSO standing offer available from 1 July 2026 but that it is not yet available;
 - (b) that EnergyAustralia expected to launch the SSO standing offer by September 2026 for eligible households in New South Wales, Queensland and South Australia; and
 - (c) how to obtain further information about the SSO standing offer via a prominent link at the top of EnergyAustralia's website. This link was titled "Important information regarding the unavailability of EnergyAustralia's Solar Sharer Offer".
- 2.10. EnergyAustralia will make the SSO standing offer available to eligible customers on 3 August 2026.

3. ACCC Concerns

- 3.1. The ACCC is concerned that EnergyAustralia contravened section 11 of the Code by failing to make available a SSO standing offer to eligible customers in New South Wales, South Australia and South East Queensland from 1 July 2026, and consequently contravened section 51ACB of the CCA.
- 3.2. EnergyAustralia is a major electricity retailer and its failure to make available a SSO standing offer from 1 July until its launch of its SSO standing offer on 3 August deprived its eligible customers, and potential eligible customers, from choosing this offer and the opportunity to take advantage of the benefits available during that period.

- 3.3. The ACCC was also concerned that EnergyAustralia customers may not have received adequate information about the availability of the SSO standing offer, which could adversely affect their electricity purchasing decisions and engagement in the market.

4. Admissions and Resolution

- 4.1. In response to the ACCC's concerns, EnergyAustralia:
- (a) admits that by failing to make available a SSO standing offer from 1 July 2026 it has contravened section 11 of the Code and consequently s 51ACB of the CCA; and
 - (b) acknowledges that sections 12 and 13 of the Code require electricity retailers to provide customers with clear, accurate and timely information about the details of a SSO standing offer by EnergyAustralia.

5. Commencement of this Undertaking

- 5.1. This Undertaking comes into effect when:
- (a) this Undertaking is executed by EnergyAustralia; and
 - (b) this Undertaking so executed is accepted by the ACCC (the **Commencement Date**).
- 5.2. This Undertaking has effect from the Commencement Date until 30 June 2027 (the **Term**).
- 5.3. From the Commencement Date, EnergyAustralia undertakes to assume the obligations set out in paragraphs 6.1 to 6.5 of this Undertaking for the purposes of section 87B of the CCA.

6. Undertaking

- 6.1. EnergyAustralia undertakes that it will make, and will continue to make, available a SSO standing offer to eligible customers for as long as it is required by the Code to do so.

Reporting

- 6.2. On the first business day after EnergyAustralia's launch of the SSO standing offer, EnergyAustralia must provide written confirmation to the ACCC and the Australian Energy Regulator (**AER**) that it has made available the SSO standing offer in accordance with section 11 of the Code.
- 6.3. On 3 September 2026 and on 3 February 2027, EnergyAustralia will provide to the ACCC and the AER a written report based on data available 14 days prior to the delivery date of the reports on the availability of its SSO standing offer, including:
- (a) the date upon which EnergyAustralia made its SSO standing offer available to eligible customers;
 - (b) whether the SSO standing offer has been available to eligible customers in accordance with the Code since it was first made available to eligible customers;

- (c) whether EnergyAustralia continues to make the SSO standing offer available to eligible customers; and
- (d) the number of eligible customers who have accepted a SSO standing offer from the date that EnergyAustralia made it available to the day prior to the date of the report.

Communication

6.4. Within 5 business days of the Commencement Date, EnergyAustralia will publish and maintain for a period of 3 months, a clear and prominent notice about this Undertaking on its website, including:

- (a) EnergyAustralia was required to make the SSO standing offer available from 1 July 2026 but was unable to comply with this requirement by that date;
- (b) the SSO standing offer is now available;
- (c) EnergyAustralia admits that it contravened section 11 of the Code and consequently section 51ACB of the CCA by failing to make the SSO standing offer available in time;
- (d) EnergyAustralia has offered this Undertaking to the ACCC in relation to its contravention of the Code and the CCA; and
- (e) a copy of this Undertaking.

6.5. EnergyAustralia will ensure all call centre staff are provided adequate training and briefing to advise customers enquiring about the SSO standing offer and to provide relevant details to customers.

7. Administration

7.1. The ACCC may authorise a member of the ACCC or an ACCC staff member to exercise a decision making function under this Undertaking on its behalf.

7.2. Information and documents required under this Undertaking will be provided:

- (a) to the ACCC: via the ACCC's Undertakings Portal; and
- (b) to the AER: AERCompliance@aer.gov.au.

8. ACCC Enquiries

8.1. For the purpose of monitoring compliance with this Undertaking, the ACCC may make reasonable enquiries with EnergyAustralia, and EnergyAustralia will, at its own expense, respond to such enquiries within a reasonable time.

8.2. If requested by the ACCC during the Term of this Undertaking, EnergyAustralia will, at its own expense, cause to be produced and provide to the ACCC copies of such documents (excluding legally privileged documents) in its power, possession or control evidencing EnergyAustralia's compliance with the obligations set out in this Undertaking.

9. Acknowledgments

9.1. EnergyAustralia acknowledges that:

- (a) the ACCC will make this Undertaking publicly available including by publishing it on the [Section 87B Undertakings Register](#) on the ACCC's website;
- (b) the ACCC will, from time to time, make public reference to this Undertaking including in news media statements and in ACCC publications;
- (c) the ACCC may, from time to time, publicly report on compliance with this Undertaking; and
- (d) this Undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

9.2. Nothing in this Undertaking restricts the ACCC from exercising its powers or performing its functions under the Code, the Australian Consumer Law or the CCA.

Executed as an Undertaking

Executed by EnergyAustralia Pty Ltd ABN 99 086 014 968 pursuant to section 127(1) of the Corporations Act 2001 by:

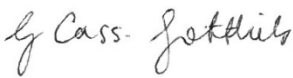
Signed by:  5CBBA692312D466...		Signed by:  EC590F08AB1941F...
Signature of director		Signature of a director
KATE GRIFFITHS GIBSON		IAN ANDREW BROOKSBANK
Name of director (print)		Name of director (print)
31-Jul-2026 6:39 PM AEST		31-Jul-2026 6:22 PM AEST
Date		Date

Accepted by the Australian Competition and Consumer Commission pursuant to section 87B of the *Competition and Consumer Act 2010* (Cth) on:

3 August 2026

Date

and signed on behalf of the Commission:



[Insert as applicable Chair/~~Deputy Chair~~]

3 August 2026

Date