



13 February 2026

Australian Energy Market Commission

RE: The pricing review - Electricity pricing for a consumer-driven future, Draft report

Thank you for the opportunity to provide feedback on the draft AEMC report on electricity pricing for a consumer-driven future.

We are writing to express CHOICE's support for Recommendation 1 of the draft report, to *'require energy service providers to charge all customers on the same plan the same price, to address the 'loyalty tax' on customers who don't switch and ensure every customer is always on the best price.'*

In May 2025, CHOICE lodged a designated complaint with the ACCC about a range of confusing and potentially misleading practices used by energy retailers, in which we highlighted that the re-use of identical names for plans with different prices is confusing for consumers, and contributes to a number of poor consumer outcomes.¹ We have attached a copy of the designated complaint for reference.

The draft recommendation is a welcome step in bringing retailer plan naming practices better in line with consumer expectations. It is reasonable for a consumer to assume that there is one version of a particular plan, with one set of rates, for their address at a time – and that any price variations for the life of their contract will be applied unilaterally for consumers on that same plan.

Plans that are different – whether that be in price, non-price benefits, tariff structure, T&Cs or otherwise – should be presented to consumers in a way that makes it simple to understand what the difference actually is. Confusing naming practices, like reusing the same plan

¹ CHOICE, 2025, [The Power of Confusion: CHOICE designated 'super' complaint on energy plans](#)

57 Carrington Road Marrickville NSW 2204

Phone 02 9577 3333 | Fax 02 9577 3377 | Email campaigns@choice.com.au | www.choice.com.au

The Australian Consumers' Association is a not-for-profit company limited by guarantee. ABN 72 000 281 925 ACN 000 281 925

names for different plans, compound significant information asymmetries, as only retailers have the ability to see the range of plans that may be available to the consumer and the ability to differentiate between them. Currently, consumers can only access some of this information if they call the retailer and ask, or are alerted to a cheaper plan with the same name via the better/best offer message – which they may not understand.

We agree with the Commission's view that the expectation for consumers to regularly switch plans or providers to avoid paying a loyalty penalty, 'contributes to a negative consumer experience of the energy system because it creates complexity and time and search costs for consumers.' Consumers often tell us that they feel frustrated and exhausted by the increasing complexity and inaccessibility of energy, which erodes consumer trust.

To strengthen this recommendation further, we encourage the Commission to give additional consideration to designing principles-based regulation with anti-avoidance in mind. Rather than stipulate 'at least one material difference', a stronger approach would be a broader material difference test, with an additional requirement of demonstrating that the difference creates meaningful value for a target customer.

The AEMC may wish to consider a model similar to Target Market Determinations in financial services as a means to require retailers to clearly demonstrate why the particular plan is suitable for a particular type of customer. This would require energy retailers to clearly demonstrate, and justify, why material differences between plans create value for particular customers, rather than simply demonstrate that the plan is sufficiently different in and of itself as the test. These should be published, and provided to existing customers, so consumers can easily access them and compare.

For example, there are some plans currently on the market offering 'added perks' that are likely to be worth significantly less than the additional cost of the plan.² These kinds of plans also make it more difficult for consumers to assess value, as it's typically unclear how much more than a competitive, non-bundled plan a consumer can expect to pay in comparison to

² Andy Kollmorgen, 2025, [Energy plans bundled with extras like Qantas points or Netflix might not add up](#)

57 Carrington Road Marrickville NSW 2204

Phone 02 9577 3333 | Fax 02 9577 3377 | Email campaigns@choice.com.au | www.choice.com.au

The Australian Consumers' Association is a not-for-profit company limited by guarantee. ABN 72 000 281 925 ACN 000 281 925

the actual value of the 'perk'. If meaningful differences between offers were to be the only test, poor-value and hard to compare bundled offers could continue to cause many of the same problems that the recommendation seeks to address.

The AEMC should also work with the AER to produce more detailed guidance and ensure that there are sufficient resources for monitoring compliance and enforcement.

If you wish to discuss this submission further, please contact me at akelly@choice.com.au to arrange a meeting, or for further information.

Yours sincerely,



Andrew Kelly,
Director – Campaigns and Communications

57 Carrington Road Marrickville NSW 2204

Phone 02 9577 3333 | Fax 02 9577 3377 | Email campaigns@choice.com.au | www.choice.com.au

The Australian Consumers' Association is a not-for-profit company limited by guarantee. ABN 72 000 281 925 ACN 000 281 925

CHOICE

THE POWER OF CONFUSION:

**CHOICE 'super'
complaint on
energy plans**

May 2025



CHOICE energy plans designated 'super' complaint

Complainant details

Name of designated complainant:

Australian Consumers' Association (CHOICE)

Contact person:

Rosie Thomas, Director of Campaigns and Communications

About CHOICE

CHOICE is the leading consumer advocacy group in Australia. CHOICE is independent, not-for-profit and member-funded. Our mission is simple: we work for fair, just and safe markets that meet the needs of Australian consumers. We do that through our independent testing, advocacy and journalism.

Table of contents

Complainant details.....	1
About CHOICE.....	1
Executive summary.....	3
Complaint overview.....	4
How the issue relates to the CCA.....	4
Potential breaches of the CCA.....	4
Policy and regulatory activities.....	5
Engagement with other regulators.....	5
Systemic and significant market issue.....	5
Systemic market issue.....	5
Widespread impact on a large group of consumers.....	6
Significant cost to Australian consumers.....	6
Arises in multiple markets.....	7
Impact on the Australian economy.....	7
Significant market issue.....	7
Likely to cause a high level of detriment to a particular group of consumers.....	7
Details of the issues.....	8
1. Consumers may be misled or deceived by plans with different prices using identical names.....	9
Best Offer and Better Offer messages that refer to a plan with the same name as consumers' existing plan, but with different prices.....	9
Using identical plan names for plans with different prices is a widespread practice....	9
Many consumers misunderstand and distrust same name messages.....	11
Communications regarding variable rates.....	15
2. Consumers may be misled or deceived by plan names and descriptions that refer to 'savings'.....	20
3. Consumers may be misled or deceived by receiving 'Better Offer' or 'Best Offer' messages they are ineligible for.....	21
Details of the harm.....	22
Key contextual information.....	24
Capacity for consumers to switch to a substitute or alternative to avoid the identified harm or potential harm.....	24
Interactions with industry participants.....	25
Relevant policy processes, inquiries and reviews.....	25
International issues and regulatory responses.....	26
Confidentiality.....	26
Acknowledgements.....	26
Assumptions for CHOICE modelling.....	26

Executive Summary

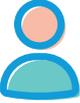
Energy is an unavoidable essential cost. As rising energy bills are adding to the cost of living pressures felt by many consumers, the retail energy market is growing more complex and difficult for consumers to navigate.

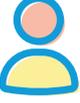
People should be able to easily access and interpret information about the nature, value and availability of energy plans – and should be able to trust that they’re paying a fair price, without regularly engaging with a highly complex market.

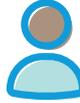
CHOICE is making its first designated complaint to the ACCC alleging energy retailers may be misleading or deceiving consumers in the way that they describe their plans. CHOICE has identified three widespread concerning practices:

<p>1 Using identical plan names to represent plans with different prices</p> 	<p>3 Prompts to switch plans (known as ‘Better Offer’ or ‘Best Offer’ messages) that refer to plans that do not appear to be available, or the customer is not eligible for</p> 
<p>2 Using names and descriptions that refer to ‘savings’ for poor-value plans</p> 	

Consumers are often advised to ‘shop around’ for a better deal, but these practices make it extremely difficult, if not impossible. CHOICE has heard from many consumers that they feel worn out by the confusing and time consuming process of looking for a better deal on energy:

 “Electricity providers offering different types or rates with different wording makes it hard to compare. It seems like they make it complicated so consumers have a hard time knowing if they have the best plan for them.”

 “So many plans from a single supplier. The time taken to compare is ridiculous. It wears you out. The utility suppliers know this. They hope you just become rusted on for a while.”

 “Due to my medical condition I get too overwhelmed at looking for a better deal so just stick with the same plan.”

One result of the widespread practice of reusing identical names for plans with differing prices is customers receiving ‘Better Offer’ or ‘Best Offer’ messages that refer to a plan with the same name as their existing plan, but with different prices (we refer to this as a ‘same name message’). CHOICE modelling estimates that, in aggregate, this practice could be costing Australian consumers approximately \$65 million a year in savings.

CHOICE is asking the ACCC to investigate whether the energy retailers have breached consumer or competition laws. In our opinion, the systemic nature of the practices means any breach warrants strong, court-based action to deter similar conduct in other complex markets.

Complaint overview

CHOICE is pleased to submit our first designated complaint to the Australian Competition and Consumer Commission (ACCC) under the designated complaints function in Part XIE of the *Competition and Consumer Act 2010*.

We ask the ACCC to investigate potentially misleading or deceptive energy retailer practices that undermine consumers' ability to make informed choices about energy plans.

In the midst of the cost of living crisis, many consumers are not getting a fair and affordable price on energy. Consumers are often encouraged to shop around in order to save, but the complexity of various plans, offers and contracts makes this process a significant burden for many households. Where retailers are providing information about their plans that is inaccurate, incomplete or designed to overwhelm, it is impossible for consumers to compare plans and make an informed choice. These practices are widespread across the retail energy market, and create unfair and unreasonable barriers to consumers getting a fair price on an essential service.

Our complaint highlights three energy retailer practices that may constitute misleading or deceptive conduct:

1. Using identical plan names to represent different plans with different pricing;
2. Using names and descriptions that refer to 'savings' for poor-value plans; and
3. Prompts to switch plans (known as '**Better Offer**' or '**Best Offer**' messages) that refer to plans that do not appear to be available, or the customer is not eligible for.

How the issue relates to the CCA

Potential breaches of the CCA

CHOICE requests that the ACCC investigate whether energy retailers have:

- Engaged in conduct that was misleading or deceptive, or likely to mislead or deceive; or
- Made false or misleading representations about energy services.

This complaint outlines practices that may be in contravention of Part 2-1 or Part 3-1, Division 1 of the *Australian Consumer Law (ACL)*, contained in schedule 2 of the *Competition and Consumer Act 2010 (Cth) (CCA)*.

We request that the ACCC investigate this complaint, and if contraventions are found, bring enforcement action, including seeking pecuniary penalties and redress for consumers harmed by this conduct.

In particular, we ask the ACCC to investigate representations made by energy retailers regarding the nature, value and availability of energy plans. Practices detailed in this complaint that may constitute a breach of the CCA include:

- Using identical plan names or failing to adequately distinguish between a customer's existing plan and an identically named plan with different prices in communications, including 'Better Offer' / 'Best Offer' messages;
- The use of names and descriptions that refer to 'savings' for poor-value plans; and
- 'Better Offer' or 'Best Offer' messages that refer to plans that do not appear to be available, or the customer is not eligible for.

Policy and regulatory activities

There are a range of consumer and energy policy processes underway that may also be relevant to the conduct outlined in this complaint.

We ask that the ACCC's response to this complaint articulate how action such as law reform, regulatory guidance or other changes to the regulatory framework could address the issues and harms detailed in this complaint. This is consistent with the ACCC's functions under s 28 of the CCA to conduct research and make information available to the public about matters affecting the interests of consumers, being matters with respect to which the Parliament has power to make laws.

The ACCC's response to this may include recommending reforms such as:

- Introducing an economy-wide ban on unfair trading practices in the Australian consumer law;
- Introducing an energy retailer duty of care, or other overarching duty, towards customers; and/or
- More detailed changes to energy rules or guidelines, to require retailers to move people to the best deals or introduce restrictions on the use of key terms and descriptors for energy prices and plans (e.g. restrictions on words related to 'savings').

The purpose of considering these further actions should be to require energy providers to take proactive steps towards delivering consumers fair outcomes and avoiding confusion, rather than merely a negative prohibition not to mislead consumers or process-based rules that don't promote good outcomes.

Engagement with other regulators

Some of the issues raised in this complaint may involve laws within the remit of other regulators, such as the Australian Energy Retailer (AER), Australian Energy Market Commission (AEMC) or the Essential Services Commission (ESC). We also ask that the ACCC engage with the AER, AEMC and ESC to ensure that the conduct and harms identified in this complaint are comprehensively addressed.

Systemic and significant market issue

Systemic market issue

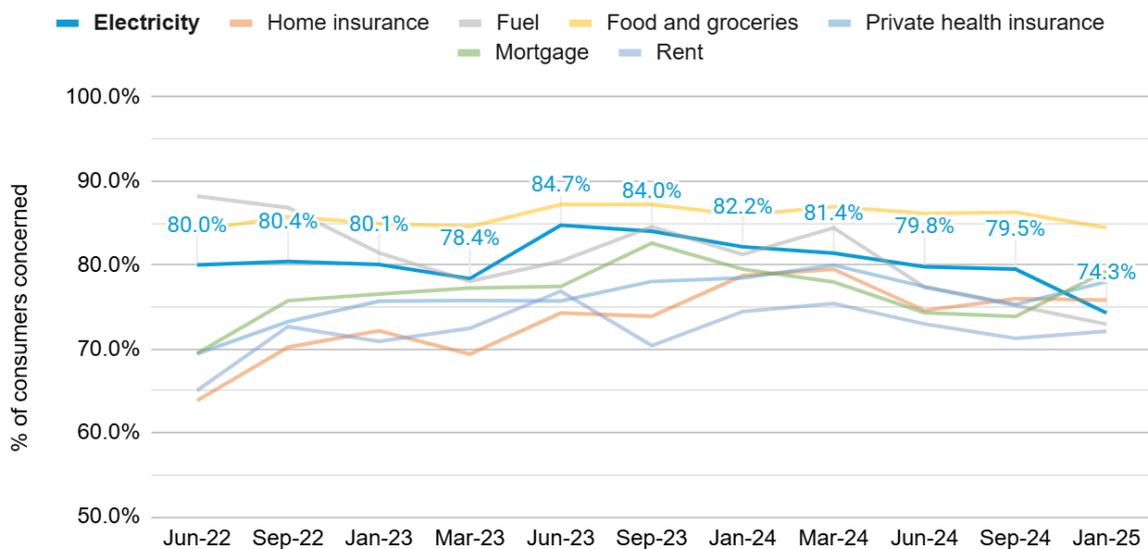
A systemic market issue for consumers is one that reaches and affects a large group of Australian consumers. Such issues may:

- Feature one or more large entities, which may make it more likely that the issues will have a widespread impact on Australian consumers;
- Cause significant cost or disruption to consumers;
- Arise in one market, or across multiple markets; and/or
- Have a widespread adverse impact on the Australian economy.

Widespread impact on a large group of consumers

CHOICE conducts quarterly national surveys to track consumer attitudes towards various issues. Since June 2022, electricity prices have been a concern for more than three in four households, and often ranked among the highest areas of concern.¹ More recently, fewer households have reported concern about electricity prices, likely due to temporary government rebates.

Consumer concern over current costs



Meanwhile, the latest data from the ACCC shows that 81% of households in the National Electricity Network are missing out on cheaper plans.² This indicates that the number of consumers impacted by these practices is potentially in the millions.

Significant cost to Australian consumers

In the midst of a cost of living crisis, consumers are navigating an increasingly confusing and expensive energy market. Across this complex market, the ways in which energy retailers name and describe their market plans, including the use of identical names for plans with

¹ CHOICE Consumer Pulse September 2024 is based on an online survey designed and analysed by CHOICE. 1,024 Australian households responded to the survey with quotas applied to ensure coverage across all age groups, genders and locations in each state and territory across metropolitan and regional areas. The data was weighted to ensure it is representative of the Australian population based on the 2021 ABS Census data. Fieldwork was conducted from the 5th to the 18th of September, 2024.

² ACCC, 2024, [Inquiry into the National Electricity Market report - December 2024](#), p54

differing prices or structures, create additional confusion and make it harder for consumers to distinguish between offers, and to compare and switch. This costs consumers money.

One result of the widespread practice of reusing identical names for plans with differing prices is customers receiving 'Better Offer' or 'Best Offer' messages that refer to a plan with the same name as their existing plan, but with different prices (we refer to this as a 'same name message'). CHOICE modelling estimates that, in aggregate, this practice could be costing Australian consumers approximately \$65 million a year in savings.³

Arises in multiple markets

CHOICE has collected examples from consumers in VIC, NSW, QLD, ACT and SA.⁴

Impact on the Australian economy

In addition to the consumer harms, the widespread nature of these practices penalises market participants that act fairly and undermines the ability of companies to compete to deliver better outcomes for consumers. Businesses that put forward clear and fair pricing will inherently be at a competitive disadvantage to those that mislead consumers. This issue is exacerbated by the high levels of concentration in the retail energy market, with 3 retailers – AGL, Origin and Energy Australia – dominating the market.⁵ If the problems are not addressed effectively, there may be a 'race to the bottom' on practices that confuse, mislead or deceive in the retail energy market, instead of retailers competing in a way that benefits consumers.

Significant market issue

A significant market issue for consumers is one that is important or serious in impact, or requires urgent attention to avoid harm. Such issues include:

- Conduct that is likely to substantially, negatively impact a sizeable group of consumers; and/or
- Conduct that is likely to cause a high level of detriment to a particular group of consumers.

Likely to cause a high level of detriment to a particular group of consumers

While the impacts and harms of these practices are widespread, they are likely to have the most acute impact on consumers experiencing vulnerability or facing other barriers to engaging with the retail energy market.

Research from Energy Consumers Australia found that households under financial pressure were more likely to say that, in the past year, they had considered switching energy retailers or plans, but ultimately decided not to. When asked why they didn't, households under

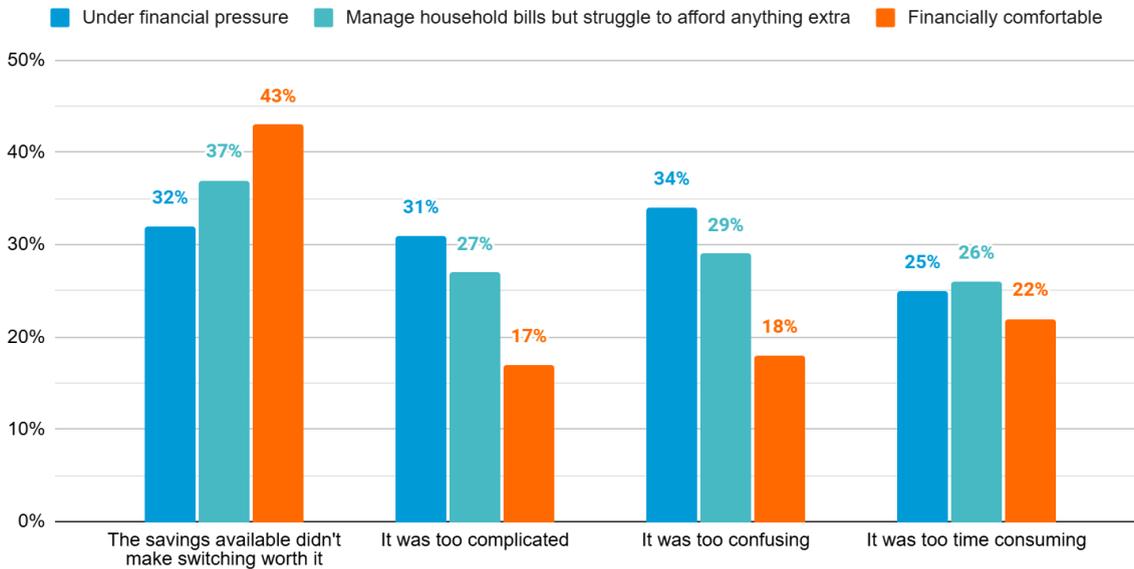
³ Our assumptions are included at the end of the complaint

⁴ See appendix

⁵ ACCC, 2024, [Inquiry into the National Electricity Market report - December 2024](#)

financial pressure were more likely to say it was too confusing, time consuming or complicated.⁶

Thinking about the last time you considered changing energy companies/switching to a better offer, but did not end up doing so, what were the reasons you didn't switch?



Source: Energy Consumers Australia

Other consumers that may face heightened barriers to engaging with the energy market include:

- **People who rent**, as they are less likely to live in homes with energy efficient technology and thus have the least capability to absorb rises in energy prices and adjust behaviours to reduce costs.⁷
- **People living with disability, mental ill-health and/or neurodiversity**, as they may face additional barriers to searching for and comparing energy plans, or contacting an energy retailer.⁸
- **People from culturally and linguistically diverse backgrounds**, in particular those speaking a language other than English at home, as language difference can present further barriers to navigating complex and confusing information.⁹

The national survey data outlined on pages 17-18 of this complaint also suggest that the problems outlined in this complaint are most likely to harm consumers on lower incomes.

Details of the issues

⁶ Energy Consumers Australia, 2024, [Energy Consumer Sentiment Survey June - 2024](#)

⁷ Energy Consumers Australia, 2023, [Understanding the energy divide](#)

⁸ AER, 2022, [Towards energy equity](#)

⁹ Energy Consumers Australia, 2024, [Insights Report: Understanding the diversity of consumers and their experiences of the energy system](#)

1. Consumers may be misled or deceived by plans with different prices using identical names

CHOICE is concerned about the widespread practice of reusing identical names for plans with differing prices which results in customers receiving communications from energy retailers that are, at best, confusing, and at worst, potentially misleading or deceptive.

The clearest example of this kind of communication is ‘Better Offer’ or ‘Best Offer’ messages that refer to a plan with the same name as the customer’s existing plan but with different prices (we refer to this as a ‘same name message’). We have focused on this practice because we could collect sufficient evidence from consumers, and have detailed the evidence we have collected below.

The ACCC’s compulsory information gathering powers will enable it to investigate other potentially misleading manifestations of the same conduct on, for example, energy retailer websites, social media platforms and other communications channels. We ask the ACCC to investigate the issue holistically, and not be restricted by just focusing on Better/ Best Offer messages.

Best Offer and Better Offer messages that refer to a plan with the same name as consumers’ existing plan, but with different prices

Requirements for retailers to include ‘Best Offer’ and ‘Better Offer’ messages in energy bills were introduced with the intention of prompting consumers to switch to more competitive offers where they are available with their current retailer.

Same name messages may be leading consumers to believe the message was a mistake, or irrelevant to them. Customers who received a same name message and believed it was either inaccurate or a mistake may have remained on their current offer rather than switching to another offer from their retailer with prices that may ultimately have been lower for them.

Using identical plan names for plans with different prices is a widespread practice

The ACCC’s December 2024 Inquiry into the National Electricity Market report found that 24% of customers receiving ‘Better Offer’ and ‘Best Offer’ messages were quoted better offers with the same name as their current offer.¹⁰ While the prevalence of this practice varied across different retailers, all retailers in its sample had instances where customers were receiving these messages. Alarmingly, for one retailer more than 50% of customers received a ‘same name’ message.

¹⁰ ACCC, 2024, [Inquiry into the National Electricity Market report - December 2024](#), pp. 12

Figure 2.23: Customers are receiving potentially ineffective Better/Best Offer Messages

Proportion of residential customers receiving 'Better / Best Offer' messages by retailer (anonymised), all regions combined, from 1 January 2024 to 10 August 2024



Source: ACCC¹¹

CHOICE research conducted between January and March 2025 asked CHOICE supporters to submit their most recent energy bill for analysis (with personally identifiable information redacted). In total, we received 382 energy bills and found 64 examples of this practice across 9 different retailers and 20 different plan names.¹²



An annotated example of a same name message, shared by a CHOICE supporter

Retailer	Total examples	Plan name/s
Red energy	25	<ul style="list-style-type: none"> - Qantas red saver (10) - Living energy saver (13) - Red EV Saver (1) - Red BCNA Saver (1)
EnergyAustralia	17	<ul style="list-style-type: none"> - Flexi Plan (Home) (13) - Solar Max (Home) (4)

¹¹ ACCC, 2024, [Inquiry into the National Electricity Market report - December 2024](#)

¹² See appendix

Retailer	Total examples	Plan name/s
Origin	9	<ul style="list-style-type: none"> - Origin Go Variable (5) - Origin Go Solar Variable (1) - Origin Solar Boost (1) - Origin Business Go Variable (2)
AGL	4	<ul style="list-style-type: none"> - Value saver (1) - Seniors saver (2) - Solar Savers (1)
Momentum energy	3	<ul style="list-style-type: none"> - Nothing Fancy (3)
Dodo	2	<ul style="list-style-type: none"> - Market (2)
EnergyLocals	2	<ul style="list-style-type: none"> - Online Member (1) - Daytime Saver (1)
Alinta Energy	1	<ul style="list-style-type: none"> - BusinessDeal (1)
Powershop	1	<ul style="list-style-type: none"> - Power House (1)
Total	64	

Across the examples of same name messages we collected, on average, people were missing out on estimated yearly savings of \$171. The highest potential saving was a Momentum Energy customer, who could have been saving up to \$588 a year. In several cases, people were missing out on potential savings that totalled more than their total quarterly bill.

In most cases, these plans with duplicate names appear to have the same terms and conditions and tariff structure as a customer's existing plan, differing only by price.

Many consumers misunderstand and distrust same name messages

In September 2024, CHOICE conducted a nationally representative survey to gauge how consumers interpret these same name messages. Respondents were presented with a hypothetical scenario in which they received a Better Offer message where the better offer had the same name as their current offer. The example message was taken from a real, de-identified bill.

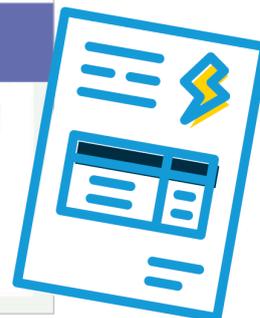
When asked how they would explain what the message meant, around half (56%) of consumers understood it as a prompt to look for a better deal, while 27% understood it to be a sales tactic, mistake or an offer available only for new customers, and 19% didn't know what it meant.¹³

¹³ CHOICE Consumer Pulse September 2024 is based on an online survey designed and analysed by CHOICE. 1,024 Australian households responded to the survey with quotas applied to ensure coverage across all age groups, genders and locations in each state and territory across metropolitan and regional areas. The data was weighted to ensure it is representative of the Australian population based on the 2021 ABS Census data. Fieldwork was conducted from the 5th to the 18th of September, 2024

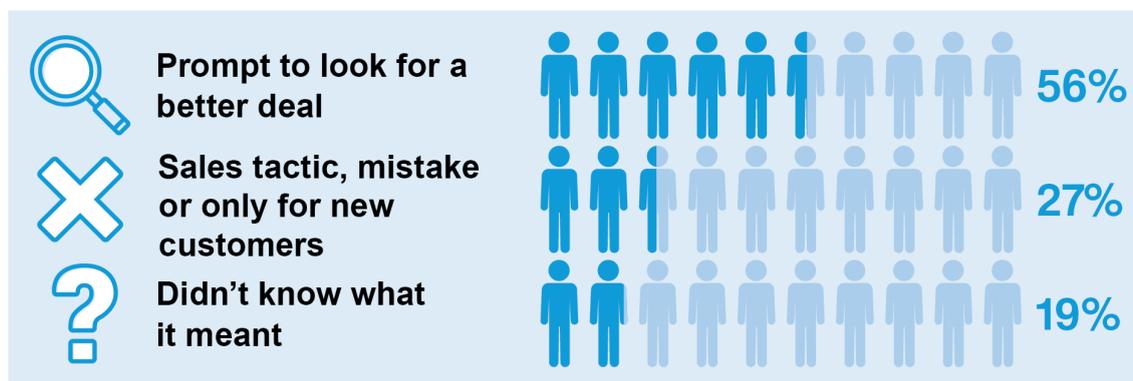
Could you save money on another plan?

Based on your past usage, our **Flexi Plan (Home)** may cost you up to **\$617 incl. GST less per year** than your current plan.¹⁴ Compare and switch at energyaustralia.com.au/compare or call us on **133 466***. Compare other plans at energymadeeasy.gov.au

The Australian Energy Regulator requires us to include this information.



After being told they were already on the Flexi Plan (Home), only about half (**56%**) of consumers understood this as a prompt to look for a better deal. **27%** understood it to be a sales tactic, mistake or an offer only available for new customers, and **19%** didn't know what it meant.



Free text responses collected from respondents further demonstrated that consumers respond to these messages with distrust, confusion and frustration:¹⁴

'Confused that it seems to be saying that the same plan I am on may cost less than my current plan but my current plan is the one they are saying would cost less.'

'It's a completely useless message given that the bill is already on the Flexi Plan (Home) scheme.'

'A false promise and/or offer to save money on the plan currently on, so obviously overcharging as well.'

'Total BS, no one really checked what their stupid robot writes, and of course promise to save 25% is total nonsense.'

Many consumers who shared their bill with CHOICE and were receiving same name messages expressed that they found it difficult to differentiate between their current offer and the quoted better offer where they have the same offer name:

'The wording in the box titled 'Could you save money on another plan' is poorly worded. Our current plan is the one mentioned in the box, yet I have no idea if I could or could not save money. Of course my dilemma is exactly what Energy Australia wants from its customers.'

¹⁴ Ibid.

- EnergyAustralia customer

'I also have a bill from Jan 2024 with the same statement about the 'Origin Go Variable' plan potentially being cheaper... However, I did ignore the advice in Jan, due to the plan names being identical - I thought it was a stuff up. So that's at least 3 months of free profit for [them].'

- Origin customer

'I am confused when they say I could be on a cheaper plan, but it has the exact same name.'

- Origin customer

'Every time the bill arrives there's a note saying I could save money by switching to their xxxx plan, which has exactly the same name as my current plan. I wrongly assumed that I would be getting the deal signed up for on the plan so named. When I questioned this they said that they have changed the plan (but not the name), so now I have to check their website regularly, and more or less change plan monthly. This is very unsatisfactory and obviously a way to penalise anyone who [relies] on getting the best deal, while the plan has that name, without constantly having to check. Very poor customer service indeed.'

- Origin customer

'I was advised that an alternative plan would be better for me. So I investigated. It was difficult to ascertain if it was better or not - the old existing plan had an identical [name as] the new one! Therefore, at first glance, it appeared that I was already on the best plan. So I switched from 'plan A' to 'plan A'. There were differences between the different 'Plan A's, but I believe that I switched over.'¹⁵

- Red Energy customer

Some customers who submitted bills shared that, after receiving these notices, they contacted their retailer for additional clarification about the offer, and still came away unsure as to whether they would be better off by switching:

'I have previously asked Red Energy about the differences between the plans (given that they have the same name). I think they have been using the same name for their plans even though they have changed the features of them over time.'

The Living Energy Saver Plan is really a suite of plans that includes options for different types of rates:

- *single rate*
- *single rate (demand opt in)*
- *two rate: single rate with controlled load*
- *time of use*
- *time of use with controlled load*

¹⁵ Comments from CHOICE citizen research conducted between January and March 2025

I don't know exactly what all of these mean. But I am on the 'time of use' option. That suits me because we have rooftop solar and a couple of batteries and we try to make sure that most of our energy use is either while the sun is shining or during the much cheaper off-peak times. I'm not convinced that any of the other pricing plans would be better suited to the way we use our electricity.'

- Red Energy customer

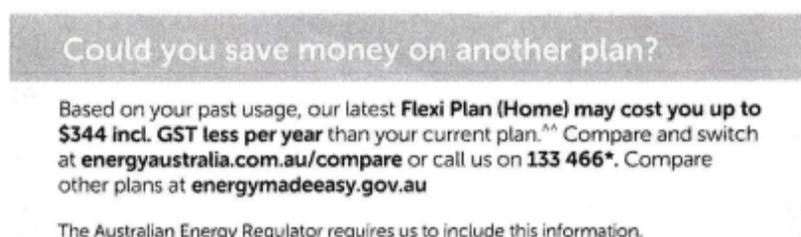
'I contacted AGL after receiving advice on a 'cheaper' plan named exactly the same. The response I received was that it was the same plan name with new charges... which was an increase in the Daily and a decrease in the Usage rate.

To be perfectly honest I don't think that there will be any advantage (despite it being the case as suggested by AGL customer service).

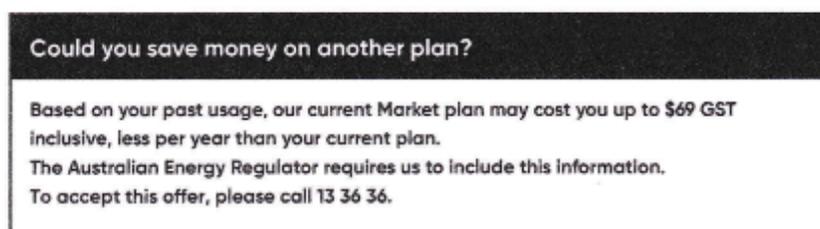
I am reluctant to change providers as I have electricity, gas, mobile and internet with AGL and I'm hoping to move at some point this year. I'm sure there is a better option for me out there but cutting through the marketing and comparison ordeal is daunting.'

- AGL customer

CHOICE also notes that, to mixed effect, some retailers have taken additional steps to reduce customer confusion surrounding these messages. Dodo and EnergyAustralia make the addition of 'current' and 'latest' respectively to 'Better Offer' and 'Best Offer' messages, however customers with both retailers indicated to CHOICE they were still unsure what plan the message was referring to.



Example of an EnergyAustralia prompt



Example of a Dodo prompt

Similarly, despite the additional inclusion of fine print stating that customers '*may be able to save by switching to our latest Nothing Fancy rates as we regularly review our prices*', several Momentum customers told CHOICE that they were confused by receiving these messages.

COULD YOU SAVE MONEY ON ANOTHER PLAN?

Based on your past usage, our Nothing Fancy plan may cost you up to \$588.39 (GST incl) less per year than your current plan[^]. Visit momentum.com.au/myaccount or call us on 1300 662 778 to switch*. The Australian Energy Regulator requires us to include this information.

If you're already on our Nothing Fancy plan, you may be able to save by switching to our latest Nothing Fancy rates as we regularly review our prices.

[^] This estimate is based solely on rates and charges under our plans and excludes the value of benefits other than discounted rates. The estimate will vary if you use more or less electricity, if our rates change or if you move to a different tariff type. *Nothing Fancy is available to customers who meet our credit eligibility criteria, opt into direct debit and elect to get bills and correspondence by email.

Example of a Momentum prompt

Other retailers, including Ovo and Actew, differentiate between similarly named plans by numbering or dating the names of newer plans as they become available – e.g. a customer on ActewAGL's 'Simple Saver 2.0 (single rate)' may receive a better offer message referring them to 'Simple Saver 4.0 (single rate)'.

The use of duplicate plan names, resulting in same name messages, creates a sense of distrust, confusion and frustration in consumers. By failing to adequately distinguish between a customer's existing plan and the identically named plan in 'Better Offer' / 'Best Offer' messages, retailers have undermined the efficacy of a policy intervention intended to help consumers make informed decisions in a complex market. This has contributed to potentially thousands of consumers continuing to pay a 'loyalty penalty' that directly benefits retailers.

Communications regarding variable rates

Consumer confusion regarding duplicate plan names is compounded where plans are described as 'variable', as it is unclear to consumers that their rates may differ from published variable rates a retailer may offer under the same plan name. If consumers are led to mistakenly believe their rate will change to reflect the market anyway, they may be less likely to review their rates, and thus switch to a better deal.

The ACCC identified that customers will generally receive the same name messages described above in circumstances where retailers retain the same name for an offer after adjusting its advertised prices.¹⁶

This leads to consumer experiences such as the following, shared by a CHOICE supporter:¹⁷

¹⁶ ACCC, 2024, [Inquiry into the National Electricity Market report - December 2024](#), pp.55

¹⁷ See appendix

Deborah* signed up for EnergyAustralia’s Flexi Plan (Home) in **February 2024**. It is an ongoing contract with a 1 year benefit period, variable rates and 12% guaranteed discount.

EnergyAustralia’s description of the plan states: *‘Guaranteed discount is off our market energy charges and applies for the 12-month benefit period. Your energy charges will be variable, but we’ll let you know before a rate change occurs.’*

EnergyAustralia also provides the following definition for variable rates: *‘Our variable energy charges are typically adjusted annually & we’ll let you know before this happens.’*

In **August 2024** Deborah received an email from EnergyAustralia stating that due to a decrease in wholesale costs, her rates have changed and her bills will decrease by approximately \$4 per year from **September 2024**.

In December 2024, Deborah received her bill for **September 2024 to December 2024**. The better offer message on her bill says she could save up to \$173 per year by switching to the Flexi Plan (Home) – a plan with the same name as her existing plan.

**Name changed for privacy reasons*

The way ‘variable’ plans are presented on retailers’ websites may also create an impression to the consumer that there is one version of each plan, with one varying rate, available at a time for their address. Retailers say that they review prices, typically annually, and that, with notice, a customer’s rates may go up or down:

Retailer	Definition of ‘variable’
Origin	A variable rate means what you pay for energy could go up or down. Origin may change prices from time to time – we’ll always let you know. We consider all kinds of factors when setting and changing our prices, like changes in our costs and the energy market overall. ¹⁸
EnergyAustralia	Our variable energy charges are typically adjusted annually & we’ll let you know before this happens. ¹⁹
AGL	Your rates can go up or down with written notice to you. ²⁰

If there is a change to their rates within a year of signing up to one of these plans, it would be reasonable for consumers to believe that this is simply the variable or flexible nature of their plan in action, and this is the new standard price of the plan they have chosen – when in fact there may now also be a new plan with better rates available under the same name.

National research commissioned by CHOICE indicates that more than half of consumers (57%) mistakenly expect that if their electricity rates change on a variable plan, new customers signing up to the same plan will be charged the same new rates. Only around 1 in

¹⁸ Origin, 2025, [Compare our electricity and gas plans - Origin Energy](#)

¹⁹ EnergyAustralia, 2025, [Electricity & Gas Plans | Compare All EnergyAustralia Plans](#)

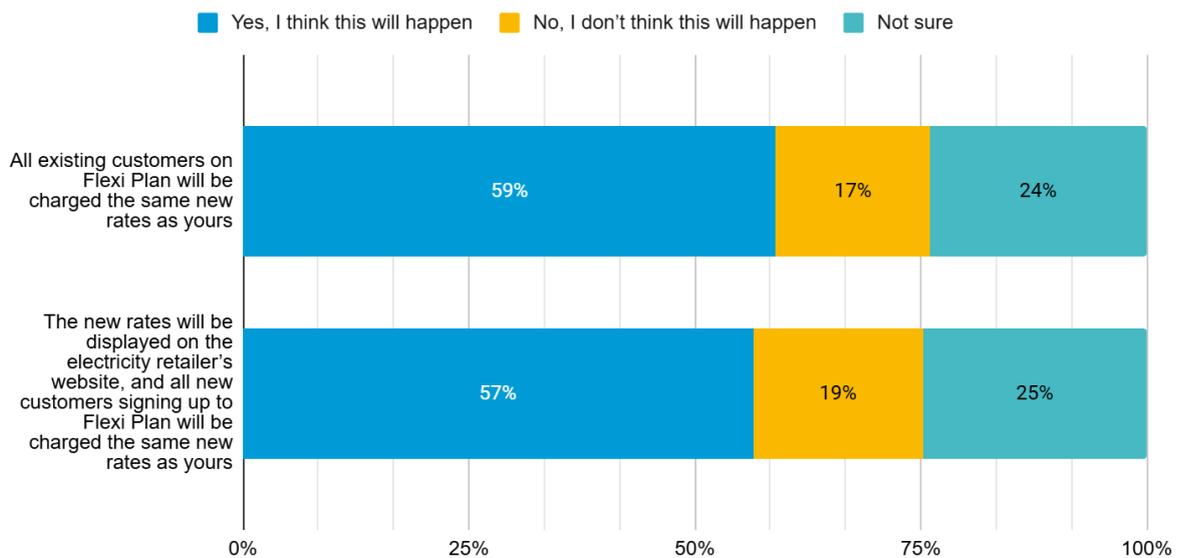
²⁰ AGL 2025, [Compare electricity and gas plans | AGL](#)

5 (19%) expect that new customers signing up to a plan with the same name could be charged different prices. The substantial proportion of ‘not sure’ responses is also notable, likely reflecting the complexity of the retail energy market and the challenges consumers face when engaging with the market.²¹

“Let’s assume you’re on a variable electricity plan called ‘Flexi Plan’ which states that your rates can go up or down with written notice to you.

You recently received an email from your electricity provider stating that due to an increase in wholesale costs, your rates have increased from 35 cents / kWh to 37 cents / kWh.”

Which of the following do you think will happen regarding Flexi Plan rates?



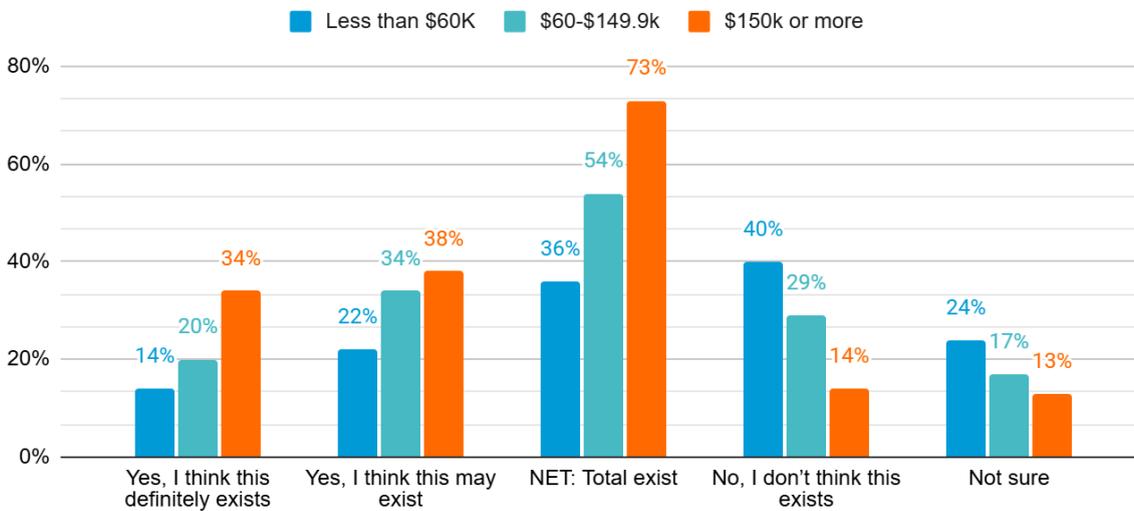
The research also found that consumer awareness of the potential cheaper plans with duplicate names varied significantly across household income levels, with people in the lowest income group half as likely to believe this would exist than those in the highest income group²²:

²¹ Data analysed by CHOICE with fieldwork and sample provided by Dynata, conducted as part of Dynata's weekly omnibus. Fieldwork period for this survey was 11-14/4/2025. The final sample size of this survey was n=1012. The data has been weighted to ensure it is representative of the Australian population based on the 2021 ABS Census data based on age, gender and location.

²² Ibid.

Do you believe Flexi Plan (your current plan) with cheaper rates with your existing provider at your address would exist?

By household income



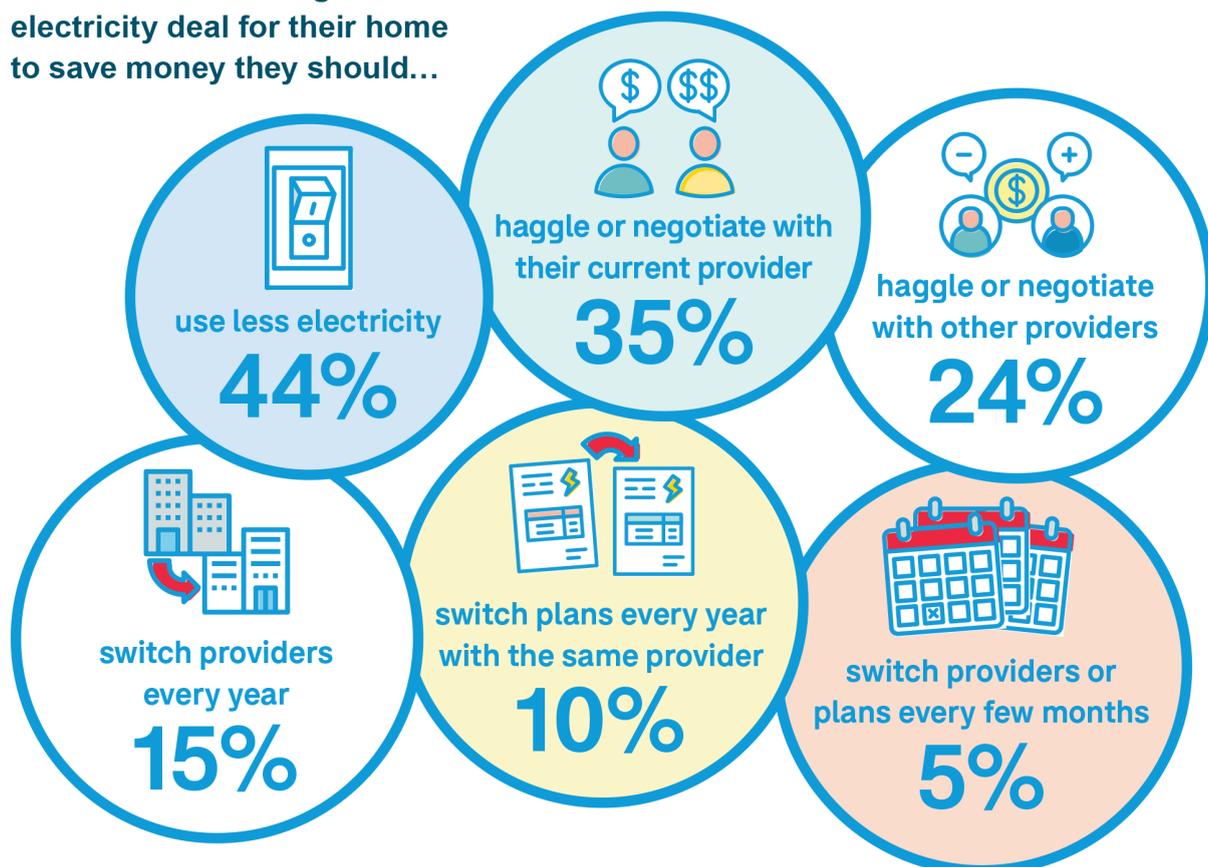
The vast majority of consumers are switching plans and/or retailers far less often than every year. Even where consumers are actively comparing plans every year and understand that prices are adjusted roughly annually, it's unclear to many consumers that better deals may be available shortly after they sign up for what was the best deal when they chose their plan. Those in the lowest income group were least likely to think cheaper rates may be made available every month, quarter, or biannually: ²³

How often do you think your electricity retailer may offer a cheaper plan at your address?	Household income			
	Total sample	Less than \$60K	\$60 - \$149.9k	\$150k or more
Every month	10%	3%	8%	21%
Every quarter	22%	17%	23%	25%
Every half a year	15%	12%	14%	18%
NET: Every month to half a year	47%	32%	45%	64%
Every year	14%	16%	14%	11%
Every few years	3%	3%	3%	3%
Less often	7%	8%	6%	5%
Never	14%	17%	16%	8%
Don't know	16%	22%	15%	9%

²³ Data analysed by CHOICE with fieldwork and sample provided by Dynata, conducted as part of Dynata's weekly omnibus. Fieldwork period for this survey was 11-14/4/2025. The final sample size of this survey was n=1012. The data has been weighted to ensure it is representative of the Australian population based on the 2021 ABS Census data based on age, gender and location.

This means there is a mismatch between consumer expectations of how the retail energy market works and the reality of the market dynamics. The result is that only 5% of people think that switching plans or providers every few months would help them get the best deal for electricity.²⁴ In reality, for a consumer to be confident they are on the best available deal CHOICE understands they should be comparing plans and, if needed, switching plans every few months.

Consumers think to get the best electricity deal for their home to save money they should...



Many customers say that they would like the certainty of a fixed rate plan, and note the declining availability of such plans. Energy Consumers Australia found that 54% of households want a ‘basic’ relationship with the energy system (i.e. a good price, reliable supply and good customer service).²⁵ It is unreasonable to assume that consumers who want a fair price can, and should, be actively comparing and switching plans or retailers as often as every few months. Moreover, the harm of this assumption disproportionately impacts lower income households who are least likely to believe they would benefit from doing so.

Plan structures where consumers are denied the certainty of a fixed rate plan but may also still be slugged with a loyalty penalty within months of signing up to their plan, are effectively

²⁴ CHOICE Consumer Pulse September 2024

²⁵ Energy Consumers Australia, 2025, [Consumer knowledge of electricity pricing and responsiveness to price signals](#)

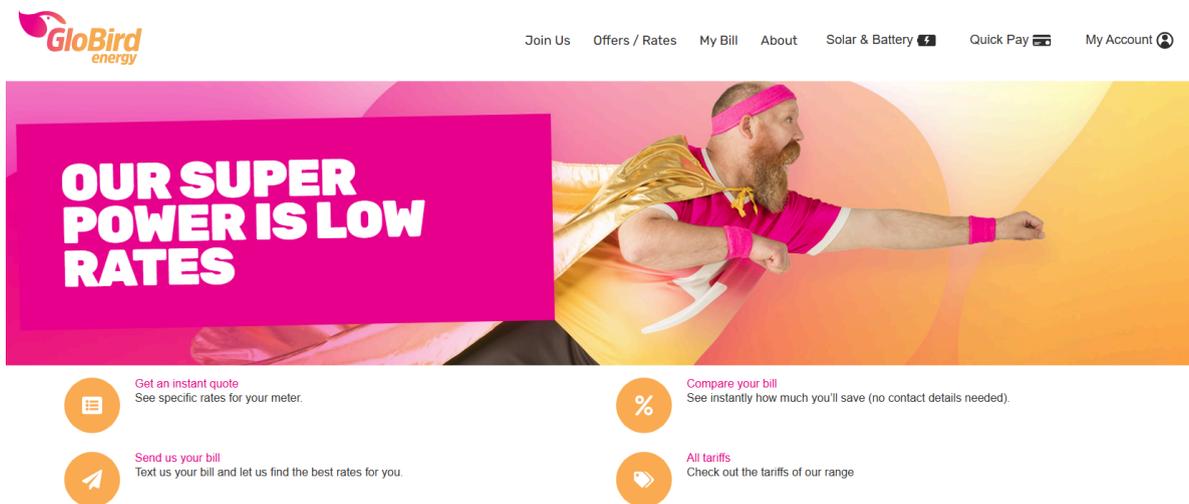
only variable to the benefit of the retailer and exploit the asymmetry of power and knowledge between consumers and retailers. The obfuscation of the frequency and nature of rate variations compounds consumer confusion regarding the potential availability of better energy rates with their current retailer.

2. Consumers may be misled or deceived by plan names and descriptions that refer to ‘savings’

CHOICE received a number of bills from consumers where plans with names including phrases like ‘save’ or ‘saver’ were more expensive than other plans offered by the same retailer, and in some instances, were more expensive than the retailer’s standing offer. It is reasonable for a consumer to understand that these names and descriptions mean that the plan costs less. Plan names and promotional language may mislead consumers to believe they are saving or being rewarded, when these supposed savings may be illusory.

CHOICE received two examples from Globird customers on its ‘EASYSAVE’ and ‘GLOSAVE’ plans who received prompts estimating they could save by switching to the retailer’s standing offer.²⁶ The use of the term ‘save’ in these plan names may mislead or deceive consumers into believing that the offer represents value for money that it does not actually offer.

GloBird further describes the GloSave plan as ‘*Excellent for small to average size households who love great value*’. Additional promotional materials on GloBird’s website also emphasize low rates, cheap plans and value:



Looking for a cheap electricity plan with the best savings for you?

We offer a range of cost effective pricing options with some of the best value rates available in Australia. Go ahead – compare electricity plans and save big on your next bill.

[Get Instant Quote](#)

Screenshots from GloBird’s website (captured 2 April 2025)

²⁶ See appendix

CHOICE also received four examples from Origin customers on its 'Ongoing Saver' plan who could have saved by switching to a different plan. The use of 'saver', in combination with the description in the plan summary as an '*ongoing lower rate that you don't need to renew*' may falsely imply to a consumer that this rate represents a saving or lower rate than other plans available from the retailer.²⁷ In each of these instances, the name of the recommended cheaper plan did not include any reference to savings or value.

Competition in the energy market is largely reliant on retailers offering discounts and savings to attract customers and promote switching.²⁸ Indications of value, savings and/or discounts where plans are not in fact good value may discourage consumers from switching as they believe they are getting a good deal.

Several respondents to our survey shared their experiences with seemingly illusory or unclear representations of value from retailers:

'It's really hard to tell if there's better deals for people with solar out there. We're called 'value saver' but it's all opaque.'

- AGL customer

'I am on a plan that has discounts associated with it called 12% off guarantee... but then when I compared the actual unit prices and daily supply charges, they were almost three times more expensive than the cheapest plan available to me on Energy Made Easy. I signed up to this plan because the 12% off seemed appealing and exclusive. But in actual fact I think it just hides their extortionate flat rates.'

- Engie customer

Consumers may rely on allusions to value and savings in energy plans and descriptions to inform their decision making. CHOICE has observed that in many cases, these names and descriptions are not actually reflections of genuine value to the consumer and that consumers are likely to be misled or deceived by them.

3. Consumers may be misled or deceived by receiving 'Better Offer' or 'Best Offer' messages they are ineligible for

CHOICE received several examples from consumers who received a 'Better Offer' or 'Best Offer' message referring to a plan that was listed on the retailer's site as only available to new and moving customers, or not listed on a retailer's website or Energy Made Easy at all. Consumers may be misled by these representations if they want to switch to the recommended plan but cannot in practice, or are falsely led to believe that they are unable to switch to it.

A CHOICE supporter who is on RedEnergy's 'Living Saver' plan noted that:²⁹

²⁷ See appendix

²⁸ AER, 2022, [State of the energy market 2022 - Retail energy markets](#), pp. 201

²⁹ See appendix

'On checking the current plans for Red, the plan with the same name as my existing one is slightly cheaper, however they say that plan is only for new customers or existing customers moving house or adding a property.'

On RedEnergy's website, all plans besides its 'Red EV saver' state they are 'Available for new customers, and existing customers who are moving home or adding a new property'.³⁰

In this instance, either the better offer message on a customer's bill is potentially misleading or deceptive, as an existing customer would not be able to switch to the better rate, or, if an existing customer *could* switch to this better offer, the statement that these plans are only available to new or existing customers could mislead or deceive.

CHOICE also received an example from an Engie customer who switched to its 'NSW Engie Saver' plan in June, after receiving a Better Offer prompt and asking to be moved to the cheapest available plan.

In September, he received his first bill after switching and was prompted again to switch, this time to the 'NSW Engie Saver Plus' plan – which does not appear to be listed anywhere on Energy Made Easy, nor on Engie's website.³¹

These examples further demonstrate the practice of retailers introducing friction and unnecessary barriers that discourage consumer switching. In these instances, consumers may be dissuaded from pursuing a better offer both now and in the future if they believe the information provided is inaccurate or irrelevant to them.

Details of the harm

In dollar terms, CHOICE modelling estimates that the practice of reusing identical names for plans with differing prices could, in aggregate, be costing Australian consumers approximately \$65 million a year in savings.³² This is a conservative estimate for only one of the practices in this complaint. In reality, the aggregate cost from all of the practices detailed in this complaint is likely to be much greater.

At a conceptual level, the consumer and market harms from the practices detailed in this complaint include:

- Consumers paying more than they need to for an essential service;
- Consumers remaining on poor-value plans because they are led to believe they are good value;
- Consumer distrust and disengagement with the market;
- Consumers unable to make informed choices about energy plans;
- Lower switching rates, leading to less competitive pressure in the market; and

³⁰ Red Energy, [Energy Plans | Electricity, Gas & Solar](#), accessed 17 March 2025

³¹ See appendix

³² Our assumptions are included at the end of the complaint

- Retailers with clear and transparent plans and pricing are disadvantaged, undermining the ability for competition to deliver good outcomes for consumers.

It is also possible that the practice of reusing plan names was designed to undermine a policy designed to support consumers to get a better deal in a complex market. Better/Best Offer messages were well intentioned policy interventions, but the practice of re-using the same plan name has undermined their effectiveness. It's unclear how long the practice of reusing plan names has existed in the market, and we encourage the ACCC to explore its emergence, and the intentions behind the practice, as part of its investigation.

CHOICE has also heard from many consumers who are either actively engaged in the energy market, or wish to be actively engaged in the energy market, but feel that their ability to properly engage is stifled by the confusing practices outlined in this complaint. Many consumers shared their poor experiences with providers when pursuing better deals:

'Every year when it comes up for renewal, Origin always assures me it is the best deal for me. I can't look at other sites as it all bamboozles me with all the mumbo jumbo I have to read. It is just easy to stay with Origin and live in ignorance.'

'AGL regularly tells me I could be on a better plan with them but when I follow the link and try to compare those costs with [the] current, I get confused. As I do when I try to use the government website that supposedly allows me to compare costs from different suppliers! I am a statistician, admittedly an elderly one, who regularly used Excel spreadsheets to compare costs and benefits from various suppliers, but the way power suppliers price their offerings these days confuses me so I end up doing nothing and stick with AGL.'

'We are constantly being confused with the energy pricing tactics by energy providers. When we talk to the Customer Service people we become ever more confused. We sign up to a package and by the time it is implemented and we receive our next bill the package is different.'

'Every year I attempt to ensure I have the best price, however it becomes so confusing when you have various rates and tariffs which are sometimes hard to correlate between the various providers. I have a general usage and a supply charge however when you try and work out with other providers it appears they have different names for these. The provider you speak with always says their deal is better in the long run (of course) however I spend so much time every year trying to get my head around what exactly are the differences between the tariffs and charges.'

'So many plans from a single supplier. The time taken to compare is ridiculous. It wears you out. The utility suppliers know this. They hope you just become rusted on for a while.'

'I received notification that the price of my plan would change. When I called up the provider to switch to another plan that was better value they tried to refer me to a

more expensive plan and didn't offer me the cheapest plan available. It took some persuasion to get them to agree to take on the lower price plan available.'

The harm caused by the conduct detailed in this complaint is further compounded by other concerning practices by energy retailers, suggesting there is a systemic problem in the way retailers are treating consumers. Additional concerning practices within the retail energy market identified by regulators and consumer advocates include:

- The rise of demand charges, and poor communication with consumers about these, and other, smart meter changes that are often compulsory and involuntary;³³ and
- Conflicts of interest in third-party utility connection services.³⁴

Additionally, several recent actions taken by regulators against energy retailers speak to a pattern of mistreatment of consumers in the energy market, including:

- AER action against AGL for failing to notify and refund customers for overcharges obtained from Centrepay payments;³⁵
- ACCC action against EnergyAustralia for making false, misleading or deceptive statements to hundreds of thousands of consumers about electricity prices, and failing to provide mandatory information required by the Electricity Retail Code (the Code);³⁶ and
- ESC action against Origin for breaches of Victorian energy rules, including not providing adequate "Best Offer" messaging to more than 655,000 customers, and failing to provide adequate support to 6,806 customers experiencing payment difficulty.³⁷

CHOICE also notes misleading pricing and claims in relation to essential services, with a particular focus on energy and telecommunications, is an ACCC enforcement and compliance priority for 2025-26.

Key contextual information

Capacity for consumers to switch to a substitute or alternative to avoid the identified harm or potential harm

Energy is an essential service. Consumers do not have the power to avoid these harms by simply choosing not to purchase energy – regardless of their ability to afford the service, or if they understand and value the specific product they are purchasing.

³³ See: Andy Kollmorgen, 2025, [Retailers using smart meters to increase energy bills](#)

³⁴ See: Jarni Blakkarly, 2025, [What MyConnect isn't telling you](#)

³⁵ AER, 2024, [Court finds AGL breached overcharging rules in relation to Centrepay payments](#)

³⁶ ACCC, 2024, [EnergyAustralia to pay \\$14m for making misleading statements and breaching the Electricity Retail Code](#)

³⁷ Essential Services Commission, 2025, [Origin penalised \\$17.6 million for failings affecting over 650,000 customers | Essential Services Commission](#)

Many consumers base their decisions on the necessity of the service, often under stress and relying on very **simple** factors to make decisions. For these reasons, it is crucial that the information provided to consumers by retailers is accurate and easily **interpreted**.

Additionally, these practices make it difficult or impossible for a consumer to seek a potential alternative plan or retailer. A significant number of consumers will also be limited in how many different plans or retailers are available at their address.

Interactions with industry participants

CHOICE contacted Momentum and Origin for comment regarding plan naming practices and same name messages in 2024.

A Momentum Energy spokesperson told CHOICE that the retailer has acted "fairly and transparently in respect of its pricing", and that the company "goes above and beyond what is required by regulation in terms of informing customers about whether they are on the best generally available plan".³⁸

An Origin spokesperson told CHOICE: "The energy retail market is highly competitive with the best offers available from energy companies changing regularly to reflect market dynamics. Customers are encouraged to shop around regularly and compare plans." The spokesperson also stated that there is only one Origin Go Variable plan available in the market at any one time.³⁹

Full details of this correspondence are included in the Appendix.

Relevant policy processes, inquiries and reviews

Policy processes and reviews addressing consumer experiences in the retail energy market currently being conducted include:

- AEMC's [Electricity pricing for a consumer-driven future](#) review
- AEMC's Consumer-related Rule Changes, including:
 - [Improving consumer confidence in retail energy plans](#)
 - [Ensuring energy plan benefits last the length of the contract](#)
 - [Improving the ability to switch to a better offer](#)
- ACCC's [National Electricity Market 2018-2025](#) inquiry
- DCCEE's [Better Energy Customer Experiences](#) process
- ESC's [Energy Retail Code of Practice](#) review
- AER's [upcoming reviews](#) of:

³⁸ See appendix

³⁹ See appendix

- the Benefit change notice guidelines
- Better bills guideline
- Customer hardship policy guideline
- Retail pricing information guidelines

Whilst some aspects of the issues raised in this complaint may fall within the scope of these processes, none of these processes are specifically considering whether energy retailers are breaching the Australian Consumer Law. The number of processes underway makes it even more important that the ACCC articulates a holistic view of how to address these practices and the harms they cause to consumers, including by having regard to the role of the consumer law. This would ensure that it is not just the symptoms of these issues that are addressed, but the underlying systemic mistreatment of consumers in the energy market by retailers.

International issues and regulatory responses

A number of licensing requirements for energy suppliers in the United Kingdom have been introduced to address similar issues. This includes requirements that retailers use only one name per tariff in each region (SLC 22A) and make all tariffs available to new and existing customers (SLC 22B). Retailers are also prohibited from creating new ‘dead tariffs’ – i.e. variable plans with no end date that are no longer open to new customers (SLC 22D).⁴⁰

If a retailer chooses to withdraw a plan, it can only continue to charge an existing customer according to the ‘dead tariff’ if that plan is cheaper, or as cheap, as the retailer’s cheapest ‘live’ plan. If it’s not, the retailer is required to notify the customer that they will be automatically moved to the retailer’s cheapest ‘live’ plan if they do not choose a new plan or change retailer.

Confidentiality

All items contained in the appendix are confidential.

Acknowledgements

CHOICE would like to thank Marianne Campbell, Kerry Connors, Phillip Cullum, Elissa Freeman, Peter Kell, Luke Lovell, Douglas McClosky, Luke Nottage, Professor Jeannie Paterson and Erin Turner for their time and advice in the preparation of this complaint. CHOICE is responsible for the views in this complaint, including any errors or omissions.

Assumptions for CHOICE modelling

CHOICE Consumer Pulse September 2024 found that when presented with an example same name message, if asked to explain to another member of their household what the message meant:

⁴⁰ [ELECTRICITY ACT 1989 Standard conditions of electricity supply licence \(UK\)](#)

- 16% of people would say either 'This is a mistake because we are already on that plan' or 'this is only for new customers and they get a cheaper deal than we do'

Accordingly, our modelling assumes that:

- 16% of people do not switch due to the same name message
- 2,013,000 customers receive same name messages. This is based on the ACCC's monitoring of the retail electricity market (ACCC, 2024, Inquiry into the National Electricity Market report - December 2024)
- \$204/year in savings for customers not on their retailers best offer in FY2024-25 is taken from data collected by the Essential Services Commission in Victoria. (ESC, 2025, Energy market dashboard)

CHOICE Consumer Pulse September 2024 is based on an online survey designed and analysed by CHOICE. 1,024 Australian households responded to the survey with quotas applied to ensure coverage across all age groups, genders and locations in each state and territory across metropolitan and regional areas. The data was weighted to ensure it is representative of the Australian population based on the 2021 ABS Census data. Fieldwork was conducted from the 5th to the 18th of September, 2024.