

Electricity Markets Competition Policy Team  
Department of Climate Change, Energy, the Environment and Water  
Via email: [PEMMreview@dceew.gov.au](mailto:PEMMreview@dceew.gov.au)

30 January 2026

Dear Electricity Markets Competition Policy Team

**Strengthening the Prohibiting Energy Market Misconduct provisions in the Competition and Consumer Act 2010**

The Council of Small Business Organisations (**COSBOA**) thanks the Department for the opportunity to consult on strengthening provisions in the *Competition and Consumer Act 2010 (Cth)*. COSBOA is the peak body representing small businesses across Australia. Small businesses across Australia continue to face significant challenges from volatile and rising energy costs, with our recent Small Business Perspectives Report 2025 finding that energy and utility costs are currently one of the top financial strains on small businesses.

Unlike larger enterprises, small businesses lack the negotiating power, resources, and expertise to navigate complex energy contracts or hedge against market volatility. Small businesses often sit in a “middle zone” where they do not benefit from the same protections as residential customers. Many small businesses are not even contracted to an electricity provided and may sit within an embedded network removing the ability to negotiate or potentially even benefit from price reductions if they are not passed on.

Reforms should protect small businesses from unreasonable price outcomes with clear accountability when retailers raise prices rapidly, but underlying cost drivers don’t justify it. It is of utmost importance that any revised compliance model is timely and coordinated across regulators, with effective information sharing mechanisms in place.

Ultimately, COSBOA support any provisions that allow small businesses benefit from market efficiencies while reducing their exposure to unfair pricing practices.