




ACCC and AER Corporate Plan

2023–24

(For the period 2023–24 to 2026–27)

August 2023



Australian Competition and Consumer Commission
Land of the Ngunnawal people
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Acknowledgement

The Australian Competition and Consumer Commission (ACCC) and Australian Energy Regulator (AER) acknowledge the Traditional Owners and Custodians of Country throughout Australia and recognise their continuing connection to the land, sea and community. We pay our respects to them and their cultures, and to their Elders past, present and emerging.

Our vision for reconciliation

Our vision for reconciliation is to create a culture that embraces unity and respect between Aboriginal and Torres Strait Islander peoples and other Australians. We seek to continue to foster a positive culture that represents equality and acknowledgement of our shared history. We seek to build meaningful relationships and overall improved accountability and ownership of deep listening to Aboriginal and Torres Strait Islander peoples and supporting truth telling stories. We are committed to our actions, roles and responsibilities, to both improving engagement and employment outcomes and enhancing consumer empowerment for Aboriginal and Torres Strait Islander peoples.

1. Introduction

The *ACCC and AER Corporate Plan 2023–24* outlines the key activities, collaboration, capabilities and risk management that we use to achieve our purposes through strategic objectives. It also describes our operating environment and details our performance measures.

It has been prepared for the 2023–24 reporting period by the agency's Accountable Authority for the purposes of paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and covers the next 4 annual reporting periods from 2023–24 through 2026–27.¹

The Australian Competition and Consumer Commission (ACCC) is an independent Commonwealth statutory agency that promotes competition, fair trading, protection of consumers' rights and product safety for the benefit of consumers, businesses and the Australian community. The primary responsibilities of the ACCC are to enforce compliance with the competition, consumer protection, fair trading and product safety provisions of the *Competition and Consumer Act 2010* (Cth) (Competition and Consumer Act), regulate national infrastructure and undertake market studies. The ACCC's purpose can be summarised as 'making markets work for consumers, now and in the future'. More information about our role, governance and structure is available on our [website](#).

The Australian Energy Regulator (AER) is an independent decision making body responsible for regulating wholesale and retail energy markets, and energy networks, under national energy legislation and rules. The AER focuses on ensuring a secure, reliable and affordable energy future for Australia. The AER works to achieve its purpose, which is 'energy consumers are better off, now and in the future'. The AER Board is supported by employees engaged exclusively on energy matters, and has access to specialist legal, economic and data analysis employees shared with the ACCC.

The roles of the ACCC and AER are founded on the principle that competition provides the best incentive for businesses to become more efficient, innovative and flexible and to operate in the long-term interests of consumers. Competition is a positive force that promotes economic growth and job creation. For competition to remain healthy and for businesses and consumers to have confidence in Australia's market economy, businesses need to operate within the boundaries of acceptable and fair behaviour towards their customers, competitors and suppliers. Those boundaries are set out in the Competition and Consumer Act and sections of the other Acts and rules that the ACCC and AER enforce. Where competition is not feasible, such as for some infrastructure services, effective regulation is required to deliver outcomes in line with those achieved by competitive markets.

The agency's Outcome in Treasury's Portfolio Budget Statements is:

Enhanced welfare of Australians through enforcing laws that promote competition and protect consumers, as well as taking other regulatory and related actions including monitoring and market analysis, public education, determining the terms of access to infrastructure services, and discharging regulatory responsibilities governing energy markets and networks.

Our corporate plan mostly covers the work of the ACCC and AER separately, consistent with the ACCC and AER being separate programs in the Portfolio Budget Statement. However, as a single agency, the ACCC and AER share services provided by our Corporate Division and Specialist Advice and Services Division. Accordingly, most of the content covered in the ACCC's capability section applies to both the ACCC and the AER.

¹ The ACCC and AER are a single listed entity for the purpose of the finance law under s 44AAL of the *Competition and Consumer Act 2010*.



2. Message from ACCC Chair Gina Cass-Gottlieb

I am pleased to introduce the ACCC's 2023–24 Corporate Plan, my second as ACCC Chair.

We have an ambitious work program for the year ahead reflecting the issues impacting the Australian economy, consumers and businesses in Australia.

The present key issues of cost of living pressures, the price of essential services including energy and telecommunications, the integrity of environmental and sustainability claims, ever increasing losses to scams, consumer and fair trading harms from manipulative marketing practices in the digital economy and the always high risk to markets, business rivals and consumers from anti-competitive conduct, strongly feature in this year's work priorities.

The ACCC pursues an active enforcement program in our core areas of responsibility, consumer protection, protection of fair trading, protection against anti-competitive conduct and merger review and enforcement against mergers considered likely to substantially lessen competition. We are acutely aware of the importance of enforcement outcomes to achieve specific and general deterrence of the conduct prohibited by competition and consumer protection law.

In respect of consumer protection our priorities include guiding compliance and taking enforcement action to achieve truthful environmental and sustainability claims and taking action against manipulative and deceptive practices in the digital economy. We will continue to prioritise our work in ensuring that small businesses receive the protections of the competition and consumer laws and small business industry codes of conduct, including in agriculture and franchising. Later this year the commencement of new laws to make unfair contract terms contravening conduct that may be penalised, will mark an important change for consumers and small business. We are working to ensure that consumers and small businesses obtain the full benefit of these strengthened laws and that businesses review their compliance and understand the risks of high penalties if they don't comply.

Our work in addressing conduct that impacts First Nations people remains an enduring priority for the ACCC. This focus on First Nations issues has now become integral to the larger remit of much of the ACCC's work as we identify the disproportionate impact of conduct such as scams and misleading advertising and sales practices on First Nations communities. Our inquiries into the insurance sector, childcare and mobile regional infrastructure have also allowed us to look at the challenges faced by First Nations people in accessing and acquiring key services.

Our focus in our anti-competitive conduct enforcement includes detection and deterrence of cartel conduct, investigation of exclusive arrangements by firms with market power, competition in supply chains with a focus on transport and logistics, and anti-competitive conduct in the financial services sector, with a focus on payment services.

The ACCC has tools to enforce Consumer Data Right (CDR) rules and standards including compliance assessments, the issuing of infringement notices and potential court action. While we will continue to educate CDR participants with guidance and industry engagement programs, we expect businesses to actively manage their CDR solutions and address data quality incidents. We know that consumers will only be willing to use CDR if the data is reliable and there are strong consumer protections in place, along with privacy and information security safeguards.

This year, the ACCC will continue the important work of tackling product safety issues for young children. This focus recognises that children are particularly vulnerable to harm from unsafe products. We are also focused on the role product safety can play in sustainability and having markets operate where consumers can have confidence in both the safety and sustainability of products.

Scams are wicked financial crimes that inflict serious personal and financial damage on consumers and the Australian economy. The National Anti-Scam Centre launched on 1 July 2023 brings together relevant government and private sector experts with a mission of making Australia a much harder target for scammers. The work of the National Anti-Scam Centre supports government agencies, law enforcement and industry participants in the disruption of scams and raises awareness amongst consumers of the risks from different scams. The government has committed funding to the National Anti-Scam Centre to build and support new technology to receive reports from victims, refer victims to support services, and share data to disrupt scams.

Pursuant to government directions the ACCC monitors sectors of the economy where price fluctuations have a material effect on the cost of living, including in relation to fuel, gas and retail electricity as well as ports and airports. This monitoring is conducted under in-depth market inquiries that allow the ACCC to engage deeply and increase transparency about competition and consumer issues arising in specific sectors.

In 2023–24 we will be completing our inquiry into the childcare services market. This is an important opportunity for the ACCC to analyse the factors that drive costs and prices in the childcare sector. The ACCC will also complete its inquiry into retail deposit rates to shine a light on the retail deposit market and rate-setting decisions of banks. The inquiry is due to report by 1 December 2023.

As part of its October 2022 Budget announcements the government extended the ACCC's wholesale gas inquiry role through to 2030. We will continue to report on wholesale gas supply arrangements with particular focus on the operation of the East Coast Gas Market, where there are immediate and longer-term concerns. The ACCC has also been given the additional responsibility of monitoring and enforcing the new Competition and Consumer (Gas Market Emergency Price) Order 2022 and responsibilities in respect of the mandatory Gas Code of Conduct. Our primary objective is to achieve compliance with these laws, but we are ready to exercise our enforcement powers in response to any alleged contraventions, particularly if we become aware of conduct that may be intended to circumvent the price cap or code.

Also in the October Budget the government announced funding for the ACCC to broaden its role as the water market regulator in the Murray–Darling Basin. That has led to an increase in our education and compliance work to support the implementation of a mandatory code of conduct for intermediaries, a measure that was recommended by the ACCC’s Murray–Darling Basin water markets report in 2021.

We expect that the ACCC’s work will grow into a substantial role from mid-2025. It is crucial for the Australian economy and basin communities and will help build trust in the Murray–Darling water markets.

In this year the ACCC is progressing its ongoing Digital Platform Services Inquiry. The ACCC has recently released an issues paper for the eighth report in the inquiry that is reviewing the business practices of data brokers and the products and services they create and supply. The digital transformation of our economy continues apace with rapid advances in technology and e-commerce, such as generative Artificial Intelligence (AI), the significant role of digital platforms in providing information to consumers, collecting their data, and influencing their purchasing decisions, and increased reliance of Australian small businesses on the services provided by digital platforms. These rapid and determinative changes reinforce the value of regulatory reform measures to address harms from digital platforms to Australian consumers, small businesses and competition, as recommended in the ACCC’s September 2022 Digital Platform Services Inquiry interim report No. 5 – Regulatory reform. These measures would complement continued enforcement of Australia’s existing competition and consumer protection laws and ensure that Australian law keeps pace with both fast-moving digital markets and regulatory developments overseas, where many jurisdictions are already acting on these issues.

The ACCC sees collaboration with our international counterparts as a key component of our effectiveness as a regulator. A key area of international cooperation is in the development of a coherent regulatory approach to the digital economy between Australia and other major jurisdictions. The global businesses of large digital platforms require a cross-jurisdictional response and coordinated cooperation between our fellow regulators.

The ACCC engages in a range of international networks between competition and consumer agencies to share approaches and best practice in relation to law enforcement. In the past year this important work included the ACCC presidency of the International Consumer Protection and Enforcement Network. In addition in the Association of Southeast Asian Nations (ASEAN) region the ACCC continues to conduct competition law and consumer law programs which share enforcement tools, techniques and other resources with agency colleagues in our region.

The ACCC’s remit is broad, diverse and growing. In undertaking our functions, we are guided by the key principles of legality, integrity, accountability, transparency, appropriate confidentiality, timeliness, proportionality and fairness. I am confident we have the dedicated and capable teams and investigative and enforcement expertise and record that can meet the responsibilities of the ACCC’s core remit and evolving roles.

3. ACCC purpose, vision and values

The ACCC’s purpose is to make markets work for consumers, now and in the future.

Our vision is a bold and innovative ACCC driving a competitive, fair, safe and productive economy for Australian consumers. To achieve our purpose we focus our resources on key activities to achieve the 7 strategic objectives outlined in figure 1 below.

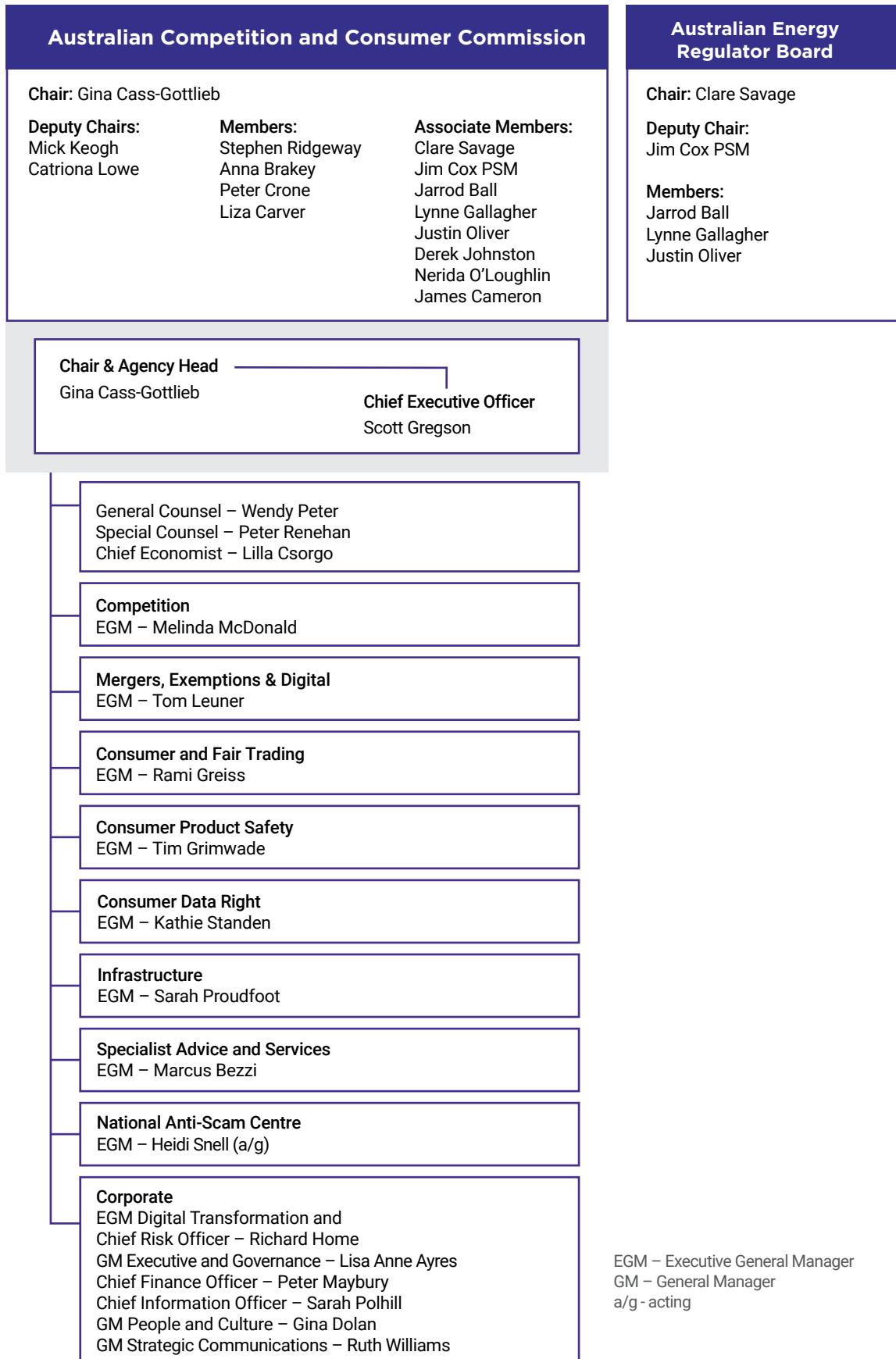
Figure 1: ACCC purpose, vision, objectives and values

Vision	A bold and innovative ACCC driving a competitive, fair, safe and productive economy for Australian consumers					
Purpose	Making markets work for consumers, now and in the future					
Strategic objectives	Address anti-competitive conduct and promote competition	Prevent anti-competitive mergers	Improve competition and choice by facilitating safe and secure data sharing by consumers through the Consumer Data Right	Protect consumers from misleading and deceptive conduct and promote fair trading	Protect consumers from unsafe products	Regulate monopoly infrastructure and monitor concentrated markets in the long-term interest of consumers
	Improve our own systems, capabilities and ways of working					
Values	Independent	Strategic	Trustworthy	Informed	Inclusive	

The ACCC appreciates and upholds the Australian Public Service (APS) Values of Impartial, Committed to service, Accountable, Respectful and Ethical (ICARE). We also hold the following additional complementary values in undertaking our work:

- **Independent:** We inspire confidence in our work by being impartial and objective.
- **Strategic:** Our focus is on the bigger picture, ensuring consumers are at the heart of what we do.
- **Trustworthy:** We act with integrity, honesty and ethically.
- **Informed:** Our decisions and actions are based on data, evidence and intelligence, as well as expert knowledge.
- **Inclusive:** We act in a considered way with an understanding of the impact of our actions.

Figure 2: ACCC structure as at 1 July 2023



4. ACCC key activities to achieve our purpose

The ACCC program is to achieve compliance with the Competition and Consumer Act and other legislation to protect, strengthen and supplement the way competition works in Australian markets and industries to improve the efficiency of the economy and to increase the welfare of Australians.

To achieve our purpose of 'making markets work for consumers, now and in the future', we focus our resources on the following key activities to achieve our 7 strategic objectives.

1. Address anti-competitive conduct and promote competition

- 1.1 Initiate enforcement and compliance actions to address harm to consumers and businesses resulting from anti-competitive conduct.
- 1.2 Make decisions on authorisation, notification and certification trade mark applications in the public interest.
- 1.3 Undertake market studies and inquiries to contribute to improved market outcomes.

2. Prevent anti-competitive mergers

- 2.1 Assess mergers to prevent changes in market structures that substantially lessen competition.

3. Improve competition and choice by facilitating safe and secure data sharing by consumers through the Consumer Data Right

- 3.1 Deliver the enabling technology solutions for the Consumer Data Right.
- 3.2 Support Consumer Data Right participants, including through assistance with testing and onboarding.
- 3.3 Accredite Consumer Data Right data recipients.
- 3.4 Promote compliance with and enforce the Consumer Data Right rules and standards.

4. Protect consumers from misleading and deceptive conduct and promote fair trading

- 4.1 Initiate compliance and enforcement actions to address harm to consumers and small businesses resulting from non-compliance with the Australian Consumer Law and industry codes.
- 4.2 Empower small businesses by increasing awareness of their rights under the Australian Consumer Law and industry codes.
- 4.3 Empower consumers by increasing awareness of their rights under the Australian Consumer Law and alerting them to the risk of scams.

5. Protect consumers from unsafe products

- 5.1 Identify safety hazards in consumer products and prioritise the risks that may result in serious injury and death.
- 5.2 Address the highest priority risks of serious injury and death arising from safety hazards in consumer products through regulation, education, compliance and enforcement actions.

6. Regulate monopoly infrastructure and monitor concentrated markets in the long-term interests of consumers

- 6.1 Formulate regulatory decisions that promote the long-term interests of end users and consumers.
- 6.2 Provide industry monitoring reports to government in relation to highly concentrated or emerging markets.
- 6.3 Improve the efficient operation of markets by enforcing industry-specific competition and market rules.

7. Improve our own systems, capabilities and ways of working

- 7.1 Support our people to develop and meet their full potential and facilitate a diverse, respectful and inclusive culture.
- 7.2 Modernise our ICT, improve the reliability, flexibility and security of our business and data systems, and enhance our data capabilities.
- 7.3 Adapt our ways of working to allow resources to be used flexibly to meet changing priorities and to adopt innovative practices commensurate with the level of risk.
- 7.4 Further develop our standing as a world-class independent regulator through external engagement and internal collaboration to support robust and transparent decision making that is responsive to complex challenges and demands.

5. ACCC operating context

Environment

The ACCC operates across the economy in a complex and constantly evolving environment.

A number of challenges and opportunities that are having a transformative effect on Australia's economy and society will shape our agenda for the next few years.

Competitive markets can lead to lower prices, better quality products and services, greater efficiency, and more choice – all of which benefit consumers. There is increasing public discussion around the levels and concentration of competition in the economy, and the role and settings of competition and consumer protection laws. As the nation's competition regulator, the ACCC is ready to contribute to that discussion where appropriate, including through our continuing advocacy for merger reform.

Globally, economies are in transition to a lower-emissions future. At the same time, the impacts of climate change are becoming more apparent and frequent. We will continue to analyse and report on the functioning of gas and electricity markets from the perspective of customer affordability.

The transformation to a greener economy will change industries and create demand for new infrastructure. This transition will affect all of Australia's critical industries, Australian consumers and small businesses. New markets will emerge and develop in ways we can't anticipate. Competition can be a driving force for the investment and innovation required to undertake this transition, therefore the process of competition is more important than it ever has been.

Consumers are reflecting heightened concerns about the environment and sustainability in their spending choices. Businesses are responding by offering new products and new business models that are, or claim to be, more sustainable or green.

This is resulting in a significant shift in how many products are produced, marketed to and delivered to consumers. This shift creates opportunities and risks, for example the risk of businesses making misleading claims about green credentials (known as 'greenwashing'), or the risk that unsafe products will be developed and released. Environmental claims and sustainability are a [2023–24 compliance and enforcement priority](#).

Data and the digital economy continue to be significant factors in our operating environment. The ongoing expansion of digital products and services throughout our economy and society is producing new challenges and opportunities for consumers, business and government. The digital economy has much to offer consumers. It can deliver increased choice, improved services and provide the convenience to shop whenever and wherever. It is also playing an increasing role in how consumers access information. The ACCC will continue to focus on systemic competition, consumer and product safety issues in the online marketplace.

Data is the new essential infrastructure. The ability of platforms to collect, store, use and sell consumer data creates the risk of anti-competitive conduct at the expense of consumer welfare, meaning there is a clear need for oversight and regulatory intervention. There are also substantial opportunities for data to drive increased economic dynamism, including through the CDR. Accessing the insights from this data will assist across the ACCC's workstreams including financial services inquiries, re-insurance monitoring and scam prevention.

New entrants, platforms, channels, products and services are gaining momentum and evolving the competitive landscape as alternatives to traditional offerings. New forms of digital currencies, wallets, stored value and payment methods are challenging the role of financial institutions as intermediaries

and are increasing access to, speed and ease of fund transfers. Data transformation is rapidly accelerating with greater use of AI and technology enabling quicker, more automated, and assisted decision-making.

Inflation is contributing to cost of living concerns for Australian households. As the national consumer law regulator, we are increasingly looked to for further input on issues that impact cost of living. The ACCC's work on energy, telecommunications, petrol, insurance, personal banking and other key areas of expenditure will continue to be a focus over the coming years to ensure we deliver outcomes for Australians and the economy.

Demographic changes continue in our population, which is becoming older and more diverse. Therefore the ACCC needs to ensure that our communication with Australian consumers continues to reach all demographics. It also increases the importance of the care economy for Australians, so the ACCC will continue to grow its expertise in these markets, including childcare.

Despite the combined efforts of many organisations across government, the not-for-profit sector and business, scams are becoming more prevalent and continuing to inflict significant financial and emotional damage. The ACCC will continue to work across government and with the private sector to harden Australia against scam activity.

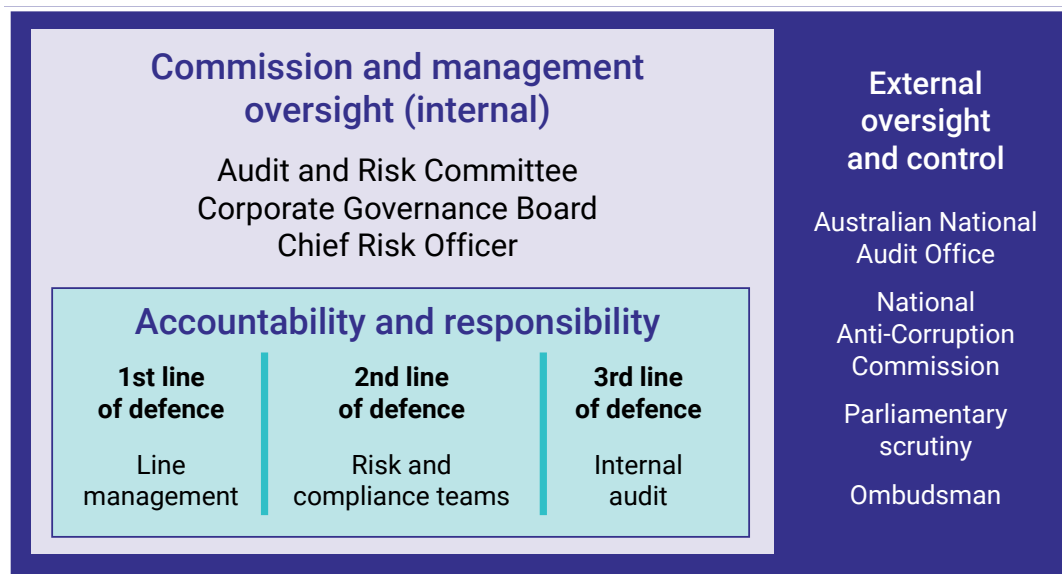
This complex and constantly evolving economy-wide environment requires us to remain abreast of best international practice in regulation, and the associated legal and economic fields. The ACCC will continue to conduct its work with regard to the broad policy aims of the government of the day. We will continue to maintain close ties with Commonwealth and state and territory government agencies and our international counterparts to ensure we understand the local, national and international contexts in which we operate.

Risk oversight and management

The ACCC and AER Risk Management Framework sets out the agency's approach to risk oversight and management. The Framework includes details of the agency's risk management policy, risk appetite and tolerance statements, as well as description of the structures, processes and arrangements the agency uses to manage risk.

Risks are managed via practical and meaningful risk controls and treatments commensurate with business need. Our risk assessments involve identifying priority exposures, addressing them through improvement strategies and contingency planning, and monitoring, reviewing and reporting on current and emerging risks. The link between risk management and our strategic objectives is reinforced through the maintenance of enterprise and divisional risk registers. This is further supported by the Audit and Risk Committee and the internal audit program, which provides assurance on our controls, business processes and performance, as well as our compliance with relevant statutory requirements (including the PGPA Act). The agency's risk management model is provided in figure 3.

Figure 3: Risk management model



The agency continues to seek to achieve higher levels of risk maturity. This is being pursued through enhanced risk management practices throughout the agency, improved overall risk capability, and further embedding a positive risk culture. Built around a theme of ‘risk in action’ and driven by the Chief Risk Officer, areas of focus continue to be:

- risk management education and training of employees
- enhancing the agency’s systems for identifying, monitoring and reporting on current and emerging risks
- improving internal communications on risk
- encouraging meaningful engagement with risk and risk taking.

ACCC key risks

The ACCC is managing 8 key risks, as detailed in the table below. Most of these risks are the same or similar to the key risks identified for the previous financial year, as the ACCC considers that these risks remain relevant for at least the short to medium term.

In addition to the specific ways in which these risks are managed, the ACCC relies on its strong governance framework, including oversight from the Corporate Governance Board and Audit and Risk Committee.

Key risk	How the risk is managed
Successful cyber security breach or cyber attack	<ul style="list-style-type: none"> ■ Oversight by the Chief Security Officer, Executive Management Board, the Data, Information and Security Committee and the CDR Internal Governance Board. ■ Management of information technology environment by Chief Information Officer and Information Technology (IT) security personnel, including the CDR cyber security team. ■ Internal policies and plans including cyber security incident response plan and Information Management and Technology Services recovery plan. ■ Internal training, guidance and education in relation to cyber security. ■ Assessment and assurance, including Essential Eight assessment, onsite support from Australian Cyber Security Centre, and implementation of recommendations from cyber security internal audit. ■ Delivery of priority project to uplift cyber security capabilities.
Failure to maintain appropriate levels of workforce wellbeing and engagement, and/or failure to attract, develop, maintain and retain necessary capabilities	<ul style="list-style-type: none"> ■ Proactive measures aimed at attracting and retaining employees with the necessary capabilities. ■ Creation of a learning and development strategy focused on building complex capabilities and reducing capability gaps. ■ Continued proactive support for workplace wellbeing initiatives with a focus on psychosocial hazards, including Peer Support Advisers network (providing information and support to employees experiencing workplace issues) and Employee Assistance Program. ■ Continued support for mobility, development of leadership cohort, effective management of enterprise bargaining process, and work on the agency's pay gap project.
Evolution of arrangements between the ACCC and AER is not appropriately managed	<ul style="list-style-type: none"> ■ The ACCC and the AER are resetting the arrangements by which the ACCC supports the operations of the AER. ■ Oversight of resetting process and implementation of the project plan by senior management and dedicated working groups. ■ Strong communication and liaison between key ACCC and AER stakeholders. ■ Clear and effective communication with affected employees regarding the resetting process.
Failure to continue to deliver aspects of the Consumer Data Right over which the ACCC has responsibility	<ul style="list-style-type: none"> ■ Oversight by the ACCC's CDR Committee, the ACCC's CDR Internal Governance Board and the CDR Board (comprising senior officials from Treasury, the ACCC, the Office of the Australian Information Commissioner and the Data Standards Body). ■ Detailed planning by the CDR Division, close management and reporting by senior CDR personnel, and a dedicated program management office. ■ Working closely and consulting with key stakeholders including relevant businesses and government entities. ■ Dedicated CDR cyber security team to identify and mitigate any gaps that may comprise system security.
Failure to respond effectively to the increased frequency, scale or confluence of changes presently occurring in the external environment	<ul style="list-style-type: none"> ■ Oversight by the ACCC's governance and management processes of agency work program. ■ Detailed business and corporate planning processes. ■ Review and monitoring of agency priority matters and divisional portfolios.

Key risk	How the risk is managed
Series of adverse findings or outcomes in litigation or other formal processes call into question the agency's competency, and damages the agency's reputation as an effective regulator	<ul style="list-style-type: none"> ■ Strong internal decision-making and prioritisation processes. ■ Oversight by Enforcement Committee or other relevant Commission sub-committees, Corporate Governance Board and Executive Management Board. ■ Attraction and retention of employees with key capabilities. ■ Clear communication of agency priorities. ■ Internal monitoring and reporting on case progress and outcomes.
Serious findings of a lack of integrity, inadequate compliance and/or assurance systems damage the agency's reputation as an effective regulator (including regulatory capture)	<ul style="list-style-type: none"> ■ Robust internal policies, procedures and frameworks for integrity matters. ■ Regular audit and assurance activities in relation to integrity matters. ■ Engagement with and implementation of recommendations from Australian National Audit Office probity audit of financial regulators. ■ Appointment of a Chief Integrity Officer.
Sudden loss of access to services provided by key suppliers	<ul style="list-style-type: none"> ■ Review of current arrangements with key suppliers and taking follow-up action as identified.

Cooperation and collaboration

As a multi-function national regulator with an economy-wide remit, the ACCC collaborates, partners, and cooperates with a wide range of stakeholders to achieve our purpose (refer to figure 4 below). Our approach to engaging with our stakeholders is underpinned by our values to be independent, strategic, trustworthy, informed and inclusive.

The ACCC also has in place [Memoranda of Understanding and agreements](#) with a range of domestic and international agencies to provide formal mechanisms for cooperation and exchange of information.

Figure 4: Our stakeholders



Australian consumers

The interests of consumers are at the heart of our work. Information provided by the public and consumer advocacy groups (including our Consumer Consultative Committee) provide valuable insights to inform our work across our key activities. This includes enforcement actions, compliance activities, education, industry engagement, product safety actions, advocacy, and research. Market studies and inquiries, relevant authorisation and other regulatory assessments also benefit from the exchange of information with Australian consumers.

We also engage directly with Australian consumers by providing guidance, education, and information through various mediums.

Australian businesses

The ACCC works with businesses, as well as industry bodies and associations to help businesses understand their obligations to comply with the law. The ACCC aims to promote a competitive and fair operating environment for small business and, importantly, ensure small businesses understand how the legislation can help them. The ACCC engages with many businesses, industry bodies and associations through our consultative committees.

Australian Government

The ACCC provides information, advice and engages extensively with the Treasury and other government agencies on various priorities and policy issues. For example, product safety regulations, market interventions to protect consumers from unsafe products, and changes to the regulatory or legislative frameworks that the ACCC believes would improve outcomes or reduce compliance costs for business and the community.

The ACCC has accountabilities under CDR alongside Treasury, the Data Standards Body and the Office of the Australian Information Commissioner. Further information about the role of each entity is under Strategic Objective 3: Improve competition and choice by facilitating safe and secure data sharing by consumers through the Consumer Data Right. Close collaboration between these CDR entities improves CDR policy setting as well as compliance and enforcement outcomes. The ACCC also has regular engagement with other government stakeholders in relation to CDR, including sector-specific regulators such as the Australian Prudential Regulation Authority and the AER.

State and territory governments

The ACCC works with state and territory government agencies in our compliance and enforcement work to influence change, build capacity, share best practice approaches and support broader market and industry behavioural change.

Under Australia's single consumer law multi-regulator model, the ACCC works with other Australian Consumer Law regulators in each state and territory to:

- employ the most effective means of addressing consumer harm through cooperative and complementary enforcement action
- avoid unnecessary duplication of effort in the effective administration of the Australian Consumer Law
- ensure, wherever appropriate, a consistent approach to dispute resolution and enforcement action.

International counterparts

International engagement and collaboration with our peers is increasingly important, reflecting the need to understand and respond to emerging issues in global markets, as well as to exchange views on regulatory best practice and promote [ACCC priorities](#).

We engage with international counterparts across all our functions. We also engage with international counterparts through our membership of or participation in international regulatory organisations and multilateral forums.

The ACCC also manages 2 capacity building programs, the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) Consumer Affairs Program (CAP) and the Competition Law Implementation Program (CLIP). These programs enable the ACCC to increase engagement with and provide

technical and capability assistance to competition and consumer law agencies within the ASEAN for our mutual benefit.

Details of international forums and groups we participate in on the subjects of competition, consumer protection, product safety and regulation are available on our [website](#).

Consultative committees

The ACCC hosts and participates in a series of consultative committees and forums, to encourage collaboration and discussion regarding consumer, competition, and regulatory issues relevant to our work. They are a valuable mechanism for sharing information. The ACCC communicates key messaging for business and consumers through these committees and forums, and the groups that participate bring issues of concern to the ACCC's attention, which we incorporate into the work we undertake through our key activities. These committees and forums also allow for a more collaborative approach between the ACCC and these stakeholders to address many issues impacting the market and consumers. Further information on our consultative committees is available on our [website](#).

Subsidiaries

The ACCC does not have any subsidiaries.

6. ACCC performance measurement framework

The ACCC's performance measurement framework is a key component of the agency's annual performance measurement and reporting, in accordance with the Commonwealth Performance Framework as shown in figure 5 below.

The ACCC uses a range of performance measurement tools and sources to measure and report on the outcomes we achieve and our effectiveness in achieving our purpose.

Each ACCC strategic objective has defined key activities with a suite of performance measures, as outlined in Section 8.

The performance measures provide stakeholders with quantitative measures of the significant outputs from our work and the timeliness of some of our decision-making processes. We also have qualitative measures of our effectiveness provided through a key stakeholder survey. The ACCC has not yet been able to develop direct measures of efficiency that would be appropriate given the complex nature of our work.²

However, some of the performance indicators in Section 9 will contribute to improved productivity and efficiency for the years ahead. For example, improvements to our IT systems and capability, and investments in our people, all contribute to maintaining and improving productivity that allow us to be more effective in achieving our purpose.

Each performance measure has a target for 2023–24, and targets for the 3 forward years covered by this plan. However, the target for future years may be adjusted in due course due to a range of reasons, including a substantial change in the ACCC's operating environment affecting our priorities, resourcing and responsibilities.

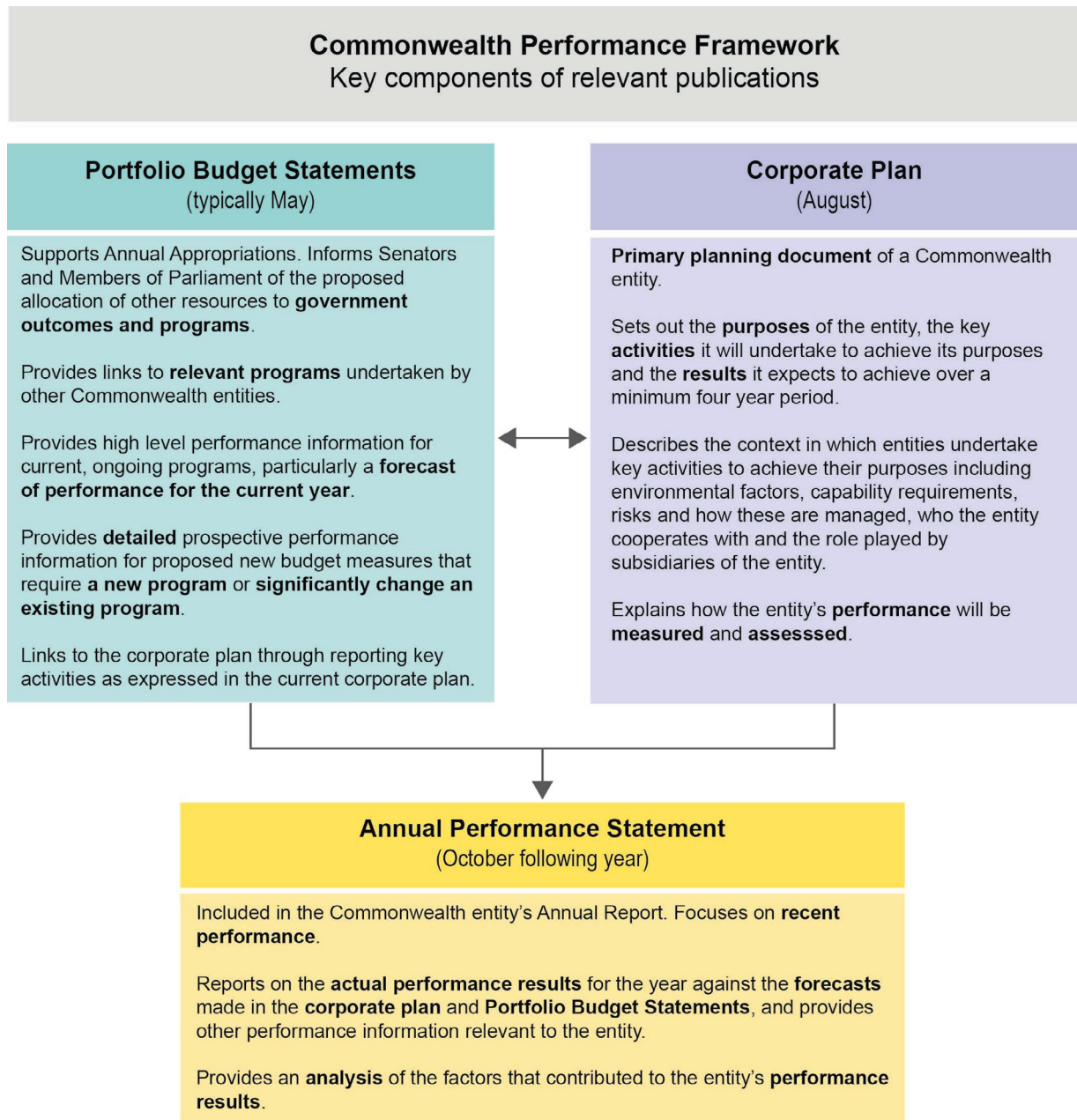
Each performance measure provides the methodology and data source used to calculate and record results, as well as identifying which of the regulator best practice principles (refer to Section 7) and key activities relate to the measure.

A subset of the performance measures in this plan were included in the agency's 2023–24 Portfolio Budget Statement. Actual performance results and other performance information will be reported to parliament and published through the ACCC and AER Annual Report 2023–24.

In the Annual Performance Statement in the annual report, we complement the results for the performance measures with additional contextual information and specific examples of actions and outcomes to provide our stakeholders with a more detailed understanding of what the agency achieved during the year and the impact of our work.

2 Simple efficiency measures are a ratio of some quantum of output (e.g. applications processed) to some quantum of inputs (e.g. the direct attributable cost of undertaking the activity to produce the output), and also need to meet the requirements for performance measures as set out in the PGPA Rule. As set out in this corporate plan, the ACCC undertakes a diverse range of key activities and uses a cross-agency model utilising specialist skillsets of our people to achieve outcomes. Efficiency measures also need to be supported by measures of quality and/or outcomes and effectiveness to tell a meaningful and robust performance story, otherwise apparent improvements in efficiency can mask an overall decrease in efficiency in terms of the ratio between inputs and outcomes achieved and overall effectiveness.

Figure 5: Commonwealth Performance Framework



Source: Department of Finance, [Commonwealth Performance Framework](#), accessed 28 August 2023.

7. Principles of regulator best practice

Regulators are required to report against the 3 principles of regulator best practice³ under the regulator-specific performance reporting requirements, as part of their reporting processes in accordance with the PGPA Act and Rule.

The principles are primarily focused on how regulators undertake regulatory activities and minimise regulatory burden on businesses. The 3 principles are:

- 1. Continuous improvement and building trust:** regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia's regulatory settings.
- 2. Risk based and data driven:** regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.
- 3. Collaboration and engagement:** regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

The ACCC applies these principles when delivering our functions for each of our key activities. Where relevant, each performance measure in Section 8 identifies which of these regulator best practice principles the measure relates to, to demonstrate how these principles are linked to our everyday work.

Through the ACCC Effectiveness Survey the ACCC seeks the views of our key stakeholders about how well the ACCC performs against these 3 principles.

Given that our Effectiveness Survey is conducted biennially, targets will be set for, and results reported, every second year.

For the purpose of reporting in our annual report for the years where we do not have new survey results, where relevant we expect we will draw on pertinent examples of our work and other relevant performance information to demonstrate our performance against the 3 principles.

Regulators are also expected to incorporate any Ministerial Statement of Expectations and Regulator Statement of intent into performance reporting as part of their corporate plan and annual report, in accordance with the PGPA Act. A Regulator Statement of Intent will be prepared in response to any new Ministerial Statement of Expectations provided. These documents will be made publicly available on our [website](#).

³ Department of Finance, [Resource Management Guide – Regulator Performance \(RMG 128\)](#), accessed 28 August 2023.

Performance measures

Performance measures	Target	
	2023–24	2024–25 – 2026–27
P1. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC effectively adopts a whole-of-system perspective, continuously improving its performance, capability and culture to build trust and confidence in Australia’s regulatory settings	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
P2. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC effectively manages risks proportionately and maintains essential safeguards while minimising regulatory burden, and leverages data and digital technology to support those they regulate to comply and grow	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
P3. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC is a transparent and responsive communicator, implementing regulations in a modern and collaborative way	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<p><i>Methodology: The index score is the mean (average) response for the question/s across respondents (using the numerical score from the 5-point response scale) transformed into a 0- to 100-point scale. Future targets are set based on 2023 survey results.</i></p> <p><i>Data source: ACCC Effectiveness Survey</i></p>		

8. ACCC strategic objectives

Strategic objective 1: Address anti-competitive conduct and promote competition

The **key activities** we undertake to achieve this strategic objective are:

- 1.1 Initiate enforcement and compliance actions to address harm to consumers and businesses resulting from anti-competitive conduct.
- 1.2 Make decisions on authorisation, notification and certification trade mark applications in the public interest.
- 1.3 Undertake market studies and inquiries to contribute to improved market outcomes.

Competitive markets lead to a stronger economy because competition drives innovation and productivity. Consumers benefit from better products and services at more competitive pricing. As the national regulator responsible for competition law, the ACCC focuses its capabilities and resources on action that best promotes the proper functioning of Australian markets, addresses conduct that is anti-competitive or harmful to consumers or small business and thereby enhances the welfare of Australians now and into the future.

The competition provisions of Part IV of the Competition and Consumer Act provide a range of compliance and enforcement tools that the ACCC uses to investigate suspected breaches and act on noncompliance. We have the power to take civil court action, refer alleged serious cartel conduct to the Commonwealth Director of Public Prosecutions, accept court enforceable undertakings and resolve matters administratively.

To achieve our compliance objectives, we use 4 flexible and integrated strategies:

- Encourage compliance with the law, particularly by educating and informing consumers and traders about their rights and responsibilities under the Competition and Consumer Act.
- Enforce the law, including by resolving possible contraventions both administratively and by litigation, and achieve other formal enforcement outcomes.
- Undertake market studies or report on emerging competition or consumer issues to identify any market failures and identify strategies for addressing them, including supporting and informing our compliance and enforcement measures and identifying possible areas for policy consideration.
- Work with other agencies to implement these strategies, including through coordinated approaches.

The Competition and Consumer Act allows the ACCC to consider applications for authorisation and notifications, which provide an exemption for arrangements that may otherwise breach the competition law but are not harmful to competition or are likely to result in overall public benefit.

Relevant ministers may direct the ACCC to undertake certain activities, including market studies, inquiries and monitoring. The ACCC can also undertake self-initiated market studies as noted above. Market studies and inquiries enable the ACCC to:

- develop a sophisticated understanding of how well competition and markets are working in particular sectors
- bring transparency and awareness to issues that allow changed behaviour from businesses and consumers
- make recommendations to government about ways to improve the functioning of markets.

Performance measures

Performance measures	Target	
	2023–24	2024–25 – 2026–27
1a. Number of in-depth competition investigations completed <i>Methodology: Manual count and cross-check of a range of records measuring how many matters reach each stage of investigation</i> <i>Data source: Internal records (Dynamics, iManage)</i> <i>Related regulator best practice principles: 1 and 2</i> <i>Related key activities: 1.1</i>	15	To be set in future years
1b. Number of competition enforcement interventions (court proceedings commenced, section 87B undertakings accepted, administrative resolutions) <i>Methodology: Manual count and cross-check of interventions</i> <i>Data source: Internal records (Dynamics, iManage and ACCC media releases)</i> <i>Related regulator best practice principles: 1 and 2</i> <i>Related key activities: 1.1</i>	6	Maintain
1c. Percentage of authorisation matters where a draft determination is released within 4 months <i>Methodology: Number of authorisations in which a draft determination is released in 4 calendar months divided by number of authorisations in which a draft determination is released, expressed as a percentage</i> <i>Data source: Internal records (Dynamics)</i> <i>Related regulator best practice principles: 1, 2 and 3</i> <i>Related key activities: 1.2</i>	80%	80%
1d. Effectiveness survey 'index score' (out of 100) that key stakeholders agree the ACCC is effective in making decisions on authorisation, notification and certification trade mark applications in the public interest <i>Related regulator best practice principles: 1, 2 and 3</i> <i>Related key activities: 1.2</i>	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain

Performance measures	Target	
	2023–24	2024–25 – 2026–27
1e. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC’s market studies and inquiries are effective in contributing to improved market outcomes	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<i>Related regulator best practice principles: 1, 2 and 3</i>		
<i>Related key activities: 1.3 and 6.2</i>		
1f. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC’s compliance and enforcement actions are effective in addressing harm to consumers and businesses resulting from anti-competitive conduct	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<i>Methodology: The index score is the mean (average) response for the question/s across respondents (using the numerical score from the 5-point response scale) transformed into a 0- to 100-point scale. Future targets are set based on 2023 survey results</i>		
<i>Data source: ACCC Effectiveness Survey</i>		
<i>Related regulator best practice principles: 1, 2 and 3</i>		
<i>Related key activities: 1.1</i>		

Strategic objective 2: Prevent anti-competitive mergers

The **key activity** we undertake to achieve this strategic objective is:

- 2.1 Assess mergers to prevent changes in market structures that substantially lessen competition.

The ACCC enforces laws in Part IV of the Competition and Consumer Act that prohibit mergers and acquisitions that are likely to substantially lessen competition.

The ACCC has an informal merger review regime where merger parties can request consideration of a merger ahead of time. The ACCC also administers a merger authorisation regime for merger approvals.

Performance measures

Performance measures	Target	
	2023–24	2024–25 – 2026–27
<p>2a. Percentage of merger matters considered (under the informal merger review process) that were finalised by pre-assessment</p> <p><i>Methodology: Number of pre-assessed mergers divided by total number of assessed mergers, expressed as a percentage</i></p> <p><i>Data source: Internal records (Dynamics)</i></p> <p><i>Related regulator best practice principles: 1, 2 and 3</i></p> <p><i>Related key activities: 2.1</i></p>	80–95%	80–95%
<p>2b. Percentage of merger matters subject to Phase 1 only of public review that were finalised within 12 weeks (excluding time periods where information is outstanding)</p> <p><i>Methodology: For mergers that have not involved the issuance of a statement of issues or the acceptance of a section 87B undertaking, excluding assessments where no decision was made, where the number of business days less timeline suspensions divided by 5 is less than or equal to 12 is expressed as a percentage</i></p> <p><i>Data source: Internal records (Dynamics)</i></p> <p><i>Related regulator best practice principles: 1, 2 and 3</i></p> <p><i>Related key activities: 2.1</i></p>	80%	80%
<p>2c. Effectiveness survey 'index score' (out of 100) that key stakeholders agree the ACCC's assessment of mergers is effective in preventing changes in market structures that substantially lessen competition</p> <p><i>Methodology: The index score is the mean (average) response for the question/s across respondents (using the numerical score from the 5-point response scale) transformed into a 0- to 100-point scale. Future targets are set based on 2023 survey results</i></p> <p><i>Data source: ACCC Effectiveness Survey</i></p> <p><i>Related regulator best practice principles: 1, 2 and 3</i></p> <p><i>Related key activities: 2.1</i></p>	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain

Strategic objective 3: Improve competition and choice by facilitating safe and secure data sharing by consumers through the Consumer Data Right

The **key activities** we undertake to achieve this strategic objective are:

- 3.1 Deliver the enabling technology solutions for the Consumer Data Right.
- 3.2 Support Consumer Data Right participants, including through assistance with testing and on-boarding.
- 3.3 Accredite Consumer Data Right data recipients.
- 3.4 Promote compliance with and enforce the Consumer Data Right rules and standards.

The CDR is a data portability initiative that gives consumers the right to choose to share the data that businesses hold about them. Consumers can choose who they share the data with, and for what purpose, so they can compare products and services to find offers that best match their needs. The CDR also promotes competition by encouraging innovation in new products and services.

The CDR provisions of Part IVD of the Competition and Consumer Act aim to create more choice and competition for Australian consumers by:

- allowing consumers to request businesses to disclose the consumer's own data to an accredited person who can use that data to provide services to the consumer
- requiring businesses to make product information available to any person.

The ACCC works with other Australian Government entities to implement the CDR. The Treasury has policy responsibility for the CDR and is responsible for developing the rules and assessing future sectors of the economy for designation. The Data Standards Body sets the technical and consumer experience standards for how the data is shared. The Office of the Australian Information Commissioner also administers compliance and enforcement functions as part of the co-regulatory model. We work closely with these and other government agencies in performing our roles, along with industry and interested stakeholders.

Performance measures

Performance measures	Target	
	2023–24	2024–25 – 2026–27
<p>3a. Availability of the Register of Accredited Persons</p> <p><i>Methodology: Scheduled uptime minus downtime of the register divided by scheduled uptime, expressed as a percentage</i></p> <p><i>Data source: Reports from the Managed Services Provider</i></p> <p><i>Related regulator best practice principles: N/A</i></p> <p><i>Related key activities: 3.1</i></p>	99.9%	Maintain
<p>3b. Resolution timeframe of priority 1 incidents on the Register of Accredited Persons</p> <p><i>Methodology: Each priority 1 incident individually assessed to determine whether it meets the required resolution timeframe using the following formula:</i></p> <p><i>Time period between when incident was resolved and when incident was opened minus time spent in a status other than open, is less than or equal to the required resolution timeframe (2 hours)</i></p> <p><i>The sum of all priority 1 incidents that meet the required resolution timeframe divided by the total of all priority 1 incidents, expressed as a percentage</i></p> <p><i>Data source: Reports from the Managed Services Provider</i></p> <p><i>Related regulator best practice principles: N/A</i></p> <p><i>Related key activities: 3.1</i></p>	95% within 2 hours of identification	Maintain
<p>3c. Timeframe for reflecting accreditation and activation decisions on the Register of Accredited Persons</p> <p><i>Methodology: Each accreditation and activation individually assessed to determine whether it meets the required timeframe using the following formula:</i></p> <p><i>Time period between when the change was reflected on the Register of Accredited Persons and when decision was made, minus time delays as requested by the participant, is less than or equal to the required timeframe (1 business day)</i></p> <p><i>The sum of all accreditations and activations occurring within the required timeframe divided by the total of all accreditations and activations, expressed as a percentage</i></p> <p><i>Data source: Internal records (Dynamics and iManage)</i></p> <p><i>Related regulator best practice principles: 2 and 3</i></p> <p><i>Related key activities: 3.2</i></p>	100% within 1 business day of decision	To be set in future years
<p>3d. Percentage of accreditation applications assessed within 4 months of receiving all relevant information</p> <p><i>Methodology: Each accreditation application assessed to determine whether it meets the required assessment timeframe using the following formula:</i></p> <p><i>Time period between when assessment was completed and application was received minus time waiting for relevant information, is less than or equal to the required assessment timeframe (4 months)</i></p> <p><i>The sum of all accreditation assessments that meet the required assessment timeframe divided by the total number of all accreditation assessments, expressed as a percentage</i></p> <p><i>Data source: Internal records (Dynamics and iManage)</i></p> <p><i>Related regulator best practice principles: 1 and 3</i></p> <p><i>Related key activities: 3.3</i></p>	80%	To be set in future years

Performance measures	Target	
	2023–24	2024–25 – 2026–27
3e. Number of Consumer Data Right investigations completed	5	To be set in future years
<i>Methodology: Count and cross-check of the total number of CDR initial investigations and in-depth investigations completed during the financial year</i>		
<i>Data source: Internal records (Dynamics and iManage)</i>		
<i>Related regulator best practice principles: 1, 2 and 3</i>		
<i>Related key activities: 3.4</i>		
3f. Effectiveness survey 'index score' (out of 100) that key stakeholders agree the ACCC effectively accredits Consumer Data Right data recipients	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<i>Related regulator best practice principles: 3</i>		
<i>Related key activities: 3.3</i>		
3g. Effectiveness survey 'index score' (out of 100) that key stakeholders agree the ACCC effectively promotes compliance with and enforces the Consumer Data Right rules and standards	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<i>Methodology: The index score is the mean (average) response for the question/s across respondents (using the numerical score from the 5-point response scale) transformed into a 0- to 100-point scale. Future targets are set based on 2023 survey results</i>		
<i>Data source: ACCC Effectiveness Survey</i>		
<i>Related regulator best practice principles: 1, 2 and 3</i>		
<i>Related key activities: 3.4</i>		

Strategic objective 4: Protect consumers from misleading and deceptive conduct and promote fair trading

The **key activities**⁴ we undertake to achieve this strategic objective are:

- 4.1 Initiate compliance and enforcement actions to address harm to consumers and small businesses resulting from non-compliance with the Australian Consumer Law and industry codes.
- 4.2 Empower small businesses by increasing awareness of their rights under the Australian Consumer Law and industry codes.
- 4.3 Empower consumers by increasing awareness of their rights under the Australian Consumer Law and alerting them to the risk of scams.

The Australian Consumer Law gives the ACCC and state and territory consumer regulators a single set of provisions to respond to fair trading and consumer protection issues. The Australian Consumer Law also allows regulators to collectively work on broader issues and take proactive and timely compliance and enforcement action. The ACCC works closely with the Australian Securities and Investments Commission, and state and territory consumer protection agencies on national compliance and enforcement projects.

The ACCC also works with businesses, industry associations and consumer groups to inform businesses and consumers of their rights and obligations under the Competition and Consumer Act through engagement, education and the provision of specialised information. The ACCC's educational campaigns also support consumers to navigate complex or difficult consumer choices to help them make smart choices.

This includes alerting consumers and businesses about the risk of scams to assist them to spot and avoid scams to reduce the overall harm caused by this scourge in society. We work with other Australian and international government agencies and law enforcement to share intelligence about scam issues and methods of alerting consumers. The ACCC also works with these agencies and the private sector on scam prevention and disruption methods.

The ACCC helps to ensure small businesses understand and comply with their obligations and encourages them to exercise their rights under the Competition and Consumer Act and industry codes as the customers of larger businesses. The ACCC's aim is to promote a competitive and fair operating environment for small business and, importantly, ensure small businesses understand how the legislation can help them.

4 The references to the Australian Consumer Law in the key activities and performance measures under this strategic objective exclude the product safety provisions of the Australian Consumer Law, which are included under our strategic objective to protect consumers from unsafe products.

Performance measures

Performance measures	Target	
	2023–24	2024–25 – 2026–27
<p>4a. Number of in-depth Australian Consumer Law and industry codes investigations completed</p> <p><i>Methodology: Count of matters reaching each stage of investigation, with cross-check of stage and outcome</i></p> <p><i>Data source: Internal records (Dynamics)</i></p> <p><i>Related regulator best practice principles: 1 and 2</i></p> <p><i>Related key activities: 4.1</i></p>	60	60
<p>4b. Number of Australian Consumer Law and industry codes enforcement interventions (court proceedings commenced, section 87B undertakings accepted, infringement notices issued, administrative resolutions)</p> <p><i>Methodology: Count and cross-check of public outcomes within the reporting period</i></p> <p><i>Data source: Internal records (Dynamics), ACCC media releases, public registers, undertakings register</i></p> <p><i>Related regulator best practice principles: 1 and 2</i></p> <p><i>Related key activities: 4.1</i></p>	40+	40+
<p>4c. Number of Australian Consumer Law and industry codes compliance initiatives</p> <p><i>Methodology: Count and cross-check of significant initiatives within the reporting period</i></p> <p><i>Data source: Internal records (Dynamics, committee papers) relevant ACCC website pages, relevant publications (release date)</i></p> <p><i>Related regulator best practice principles: 1, 2 and 3</i></p> <p><i>Related key activities: 4.1, 4.2, and 4.3</i></p>	10	10
<p>4d. Number of new or revised business compliance and education resources (published guidance)</p> <p><i>Methodology: Count and cross-check of substantive updates to existing resources and new resources released within the reporting period</i></p> <p><i>Data source: Internal records (Dynamics), publication releases and relevant ACCC website pages</i></p> <p><i>Related regulator best practice principles: 1, 2 and 3</i></p> <p><i>Related key activities: 4.2</i></p>	10	10
<p>4e. Number of new or revised consumer education resources (published guidance)</p> <p><i>Methodology: Count and cross-check of substantive updates to existing resources and new resources released within the reporting period</i></p> <p><i>Data source: Internal records (Dynamics), publication releases and relevant ACCC website pages</i></p> <p><i>Related regulator best practice principles: 1, 2 and 3</i></p> <p><i>Related key activities: 4.3</i></p>	12	12

Performance measures	Target	
	2023–24	2024–25 – 2026–27
4f. Number of small business Infocentre contacts served (Small business contacts are contacts through separate small business phone line and web forms)	7,000	7,000
<i>Methodology: Number of calls answered from the small business line and number of Infoforms from written contacts (including webform, email or letter) marked as small business, franchising or submitted using the small business form</i>		
<i>Data source: Internal records (Dynamics and telephony system)</i>		
<i>Related regulator best practice principles: 1 and 3</i>		
<i>Related key activities: 1.1, 4.1, 4.2</i>		
4g. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC’s compliance and enforcement actions are effective in addressing harm to consumers and small businesses resulting from non-compliance with the Australian Consumer Law and industry codes	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<i>Related regulator best practice principles: 1 and 2</i>		
<i>Related key activities: 4.1</i>		
4h. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC effectively empowers small businesses by increasing awareness of their rights under the Australian Consumer Law and industry codes	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<i>Related regulator best practice principles: 1 and 3</i>		
<i>Related key activities: 4.2</i>		
4i. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC effectively empowers consumers by increasing awareness of their rights under the Australian Consumer Law	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<i>Methodology: The index score is the mean (average) response for the question/s across respondents (using the numerical score from the 5-point response scale) transformed into a 0- to 100-point scale. Future targets are set based on 2023 survey results</i>		
<i>Data source: ACCC Effectiveness Survey</i>		
<i>Related regulator best practice principles: 1 and 3</i>		
<i>Related key activities: 4.3</i>		

Strategic objective 5: Protect consumers from unsafe products

The **key activities** we undertake to protect consumers from unsafe products are:

- 5.1 Identify safety hazards in consumer products and prioritise the risks that may result in serious injury and death.
- 5.2 Address the highest priority risks of serious injury and death arising from safety hazards in consumer products through regulation, education, compliance and enforcement actions.

The ACCC uses an intelligence-led approach to assess current and emerging consumer product safety risks. We review a range of data sources to identify issues that may present a safety concern. Data sources include:

- supplier mandatory and voluntary reports and consumer complaints
- media reports and other publications
- regular meetings with stakeholders
- injury surveillance units
- recalls published internationally on the Organisation for Economic Cooperation and Development (OECD) Global Recalls Portal
- overseas regulators, such as EU SafetyGate, Health Canada and United States Consumer Product Safety Commission NEISS Database.

We triage and assess information received and, where warranted, take action such as:

- negotiating the recall of goods
- educating industry and consumers, including publishing safety warnings
- negotiating voluntary changes to package labelling or product design
- introducing and/or working to implement changes to existing product safety mandatory standards and bans
- making recommendations for regulatory action by the Minister, including in relation to making standards, bans and issuing compulsory recalls
- taking enforcement action.

We use data to identify the most significant product safety risks and use priority factors to determine the nature and timing of interventions to manage those risks. The factors are:

- there is a high risk to public safety due to the severity and/or number of injuries that may result from the product (such as an unsafe product likely to cause death or significant harm, or being widely available to consumers)
- users are unable to perceive or safeguard against the risk of the product, such as where it is difficult to detect the safety risk or identify a link between the product and possibility of injury
- product is targeted at vulnerable users, such as children
- users of the product potentially expose other people to the risk of death or injury
- the product is subject to a safety standard, compulsory recall, ban or safety warning under the Australian Consumer Law

- ACCC action is likely to have a broader public benefit. For example, where action is likely to have a broader educative or deterrent effect or the source of harm is likely to become widespread if we do not intervene.

We also prioritise product safety risks where there is widespread community concern. For these matters, we undertake initial enquiries to assess if the risk meets the priority factors.

Performance measures

Performance measures	Target	
	2023–24	2024–25 – 2026–27
<p>5a. Percentage of voluntary recall notifications to the ACCC where we respond to the notifier within 5 business days</p> <p><i>Methodology: Number of recall notifications responded to within 5 days divided by the total number of valid voluntary recall notifications received in the reporting period, expressed as a percentage</i></p> <p><i>Data source: Internal records (Dynamics)</i></p> <p><i>Related regulator best practice principles: 1</i></p> <p><i>Related key activities: 5.1 and 5.2</i></p>	80%+	80%+
<p>5b. Number of product safety regulatory interventions</p> <p><i>Methodology: Count and cross-check of recommendations to the Minister to issue or substantially update a product safety standard, ban, compulsory recall or safety warning notice</i></p> <p><i>Data source: Internal records</i></p> <p><i>Related regulator best practice principles: 1 and 2</i></p> <p><i>Related key activities: 5.2</i></p>	3+	Forward targets to be set in future years
<p>5c. Number of product safety enforcement interventions</p> <p><i>Methodology: Count and cross-check of product safety enforcement interventions (court proceedings commenced, section 87B undertakings accepted, infringement, substantiation or public warning notices issued, administrative resolutions)</i></p> <p><i>Data source: Internal records</i></p> <p><i>Related regulator best practice principles: 1 and 2</i></p> <p><i>Related key activities: 5.2</i></p>	3+	3+
<p>5d. Number of product safety education and compliance initiatives</p> <p><i>Methodology: Count and cross-check of product safety education and compliance initiatives (new or substantially updated guidance or education campaigns for businesses or consumers relating to the safety of consumer products and other non-enforcement initiatives)</i></p> <p><i>Data source: Internal records</i></p> <p><i>Related regulator best practice principles: 3</i></p> <p><i>Related key activities: 5.2</i></p>	25+	25+
<p>5e. Effectiveness survey 'index score' (out of 100) that key stakeholders agree the ACCC is effective in identifying and prioritising safety hazards in consumer products</p> <p><i>Related regulator best practice principles: 2</i></p> <p><i>Related key activities: 5.1</i></p>	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain

Performance measures	Target	
	2023–24	2024–25 – 2026–27
5f. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC is effective in communicating risks of serious injury and death arising from safety hazards in consumer products	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<i>Related regulator best practice principles: 3</i>		
<i>Related key activities: 5.2</i>		
5g. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC is effective in addressing the highest priority risks of serious injury and death arising from safety hazards in consumer products	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<i>Methodology: The index score is the mean (average) response for the question/s across respondents (using the numerical score from the 5-point response scale) transformed into a 0- to 100-point scale. Future targets are set based on 2023 survey results</i>		
<i>Data source: ACCC Effectiveness Survey</i>		
<i>Related regulator best practice principles: 1, 2, and 3</i>		
<i>Related key activities: 5.2</i>		

Strategic objective 6: Regulate monopoly infrastructure and monitor concentrated markets in the long-term interests of consumers

The **key activities** we undertake to achieve this strategic objective are:

- 6.1 Formulate regulatory decisions that promote the long-term interests of end users and consumers.
- 6.2 Provide industry monitoring reports to government in relation to highly concentrated or emerging markets.
- 6.3 Improve the efficient operation of markets by enforcing industry-specific competition and market rules.

The ACCC is the national economic regulator of infrastructure services in communications, postal services and rail. We have specific regulatory roles in relation to bulk wheat port facilities. Fostering efficient infrastructure services and investment through industry-specific regulation and access conditions, under the umbrella of the long-term interest of end users,⁵ is a major focus of our economic regulatory role. Access conditions that promote competition in upstream and downstream markets increase the efficiency and productivity of the overall economy. We also undertake inquiries when directed by government. Those currently underway include inquiries into the childcare sector and electricity and gas markets.

To identify market failure, improve market efficiency and promote competition, the ACCC monitors and reports on goods and services available in some concentrated, deregulated or emerging markets, or markets of significant concern to consumers. These include the petrol, airports, gas, electricity, telecommunications, insurance, digital platforms and stevedoring sectors.

We also have a role in enforcing industry-specific competition and market rules in some infrastructure-based markets.

The ACCC's regulatory role also supports our competition advice and advocacy efforts directed at ensuring Australian markets operate within a policy framework that facilitates competition and efficient investment in and use of key infrastructure networks and services.

⁵ The long-term interests of end users refers to the end users' economic interests, which include lower prices, increased quality of service and greater diversity and scope in product offerings.

Performance measures

Performance measures	Target	
	2023–24	2024–25 – 2026–27
6a. Percentage of regulatory decisions completed within statutory timeframes (including ‘stop the clock’ and timeframe extension provisions in the Competition and Consumer Act)	100%	100%
<p><i>Methodology: Number of regulatory decisions made within statutory timeframe divided by the total number of regulatory decisions with a statutory timeframe made, expressed as a percentage</i></p> <p><i>Data source: Internal records</i></p> <p><i>Related regulator best practice principles: 1</i></p> <p><i>Related key activities: 6.1</i></p>		
6b. Number of monitoring and inquiry reports (covering electricity, gas, communications, rail, petrol, airports, ports, insurance, stevedoring sectors and other sectors subject to an inquiry direction)	33	To be set in future years
<p><i>Methodology: Count and cross-check of published monitoring and inquiry reports, and relevant data releases (covering electricity, gas, communications, rail, petrol, airports, ports, insurance and stevedoring sectors and other sectors subject to an inquiry direction)</i></p> <p><i>Data source: Internal records</i></p> <p><i>Related regulator best practice principles: 1 and 3</i></p> <p><i>Related key activities: 1.3 and 6.2</i></p>		
6c. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC’s regulatory decisions effectively promote the long-term interests of end users and consumers	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<p><i>Related regulator best practice principles: 1 and 2</i></p> <p><i>Related key activities: 6.1</i></p>		
6d. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC’s industry monitoring reports are effective in informing government and the public about highly concentrated or emerging markets	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<p><i>Related regulator best practice principles: 1, 2, and 3</i></p> <p><i>Related key activities: 1.3 and 6.2</i></p>		
6e. Effectiveness survey ‘index score’ (out of 100) that key stakeholders agree the ACCC’s enforcement of industry-specific competition and market rules improves the efficient operation of markets	N/A	2024–25: 70 2025–26: N/A 2026–27: Maintain
<p><i>Methodology: The index score is the mean (average) response for the question/s across respondents (using the numerical score from the 5-point response scale) transformed into a 0- to 100-point scale. Future targets are set based on 2023 survey results</i></p> <p><i>Data source: ACCC Effectiveness Survey</i></p> <p><i>Related regulator best practice principles: 1 and 2</i></p> <p><i>Related key activities: 6.3</i></p>		

9. Capability

As a single agency, the ACCC and AER share services provided by our Corporate Division and Specialised Advice and Services Division. Accordingly, much of the content in this section applies to both the ACCC and the AER.

The ACCC has an additional strategic objective focussed on improving the agency's capability.

Strategic Objective 7: Improve our own systems, capabilities and ways of working

The **key activities** we undertake to achieve this strategic objective are:

- 7.1 Support our people to develop and meet their full potential and facilitate a diverse, respectful and inclusive culture.
- 7.2 Modernise our ICT, improve the reliability, flexibility and security of our business and data systems, and enhance our data capabilities.
- 7.3 Adapt our ways of working to allow resources to be used flexibly to meet changing priorities and to adopt innovative practices commensurate with the level of risk.
- 7.4 Further develop our standing as a world-class independent regulator through external engagement and internal collaboration to support robust and transparent decision making that is responsive to complex challenges and demands.

Our people

Our people are our key strength. They perform at their best when they are supported, encouraged, respected and trusted; when they are valued for their engagement to our work and teams; and when they have the opportunity to self-direct their expertise towards achieving the agency's purpose and priorities.

To support our people we will:

- support the ACCC to have an inclusive culture, safe workplace and a diverse workforce
- support our people to maintain their wellbeing and safety
- consult with employees in the development of a risk assessment that identifies psychosocial hazards in the ACCC, with controls designed to mitigate these risks
- support our diverse workforce through our Diversity and Inclusion Strategy, the supporting action plans and associated employee networks:
 - Reconciliation Network
 - Mipla Tunapri First Nations Employee Network
 - Culturally and Linguistically Diverse Network
 - Disability and Carers Network
 - Gender Network
 - Pride Network

- iterate our Employee Value Proposition and embed into recruitment and attraction campaigns
- launch a professional development strategy that builds on a high care, high performing workforce focused on shared leadership accountability, continuous learning and supporting each other
- empower a feedback culture that is based on a continuous cycle of receiving and providing feedback to drive performance
- engage in the process to renew our employment conditions under the new APS wide enterprise bargaining framework to ensure our terms and conditions continue to attract, motivate and retain capable people
- support our employees to access flexible ways of working.

Our use of technology and data

The agency is transforming our Information and Communications Technology (ICT), data capabilities, technologies and business systems in order to uplift both efficiency and effectiveness. The Working Smarter Program is a 4-year business transformation program that will embrace digital and emerging trends such as automation to increase business process efficiency and data capture, to build out our data skills and technology, and continue to improve our system resilience.

The Working Smarter Program is aligned to the ICT Strategy 2021–24 and Data Strategy 2021–25 that underpin the strategic objectives in this plan. Collectively, they focus on these priority areas:

- delivering data-led insights enabled by expertise and the right tools and governance
- delivering fit for purpose business applications utilising automation where appropriate
- unlocking our information and data assets through enhanced management, discoverability, re-use and sharing
- providing stable, reliable and secure technology.

To deliver these priorities we will focus on the following capabilities:

- Innovation – developing new ways to solve real-world business problems and unlock future value with enabling technology.
- Data and intelligence – continuing our data culture and capability uplift to improve efficiency and ensure that insight is at the heart of our decision making.
- Strategy and architecture – ensuring our technology environment is fit-for-purpose, interoperable with other agency systems, and supports our strategic goals.
- Automation – re-engineering business processes and creating efficiencies with automation.
- Cloud – taking a cloud-first approach to enhance flexibility.
- Technology project management office – deliver outcomes-focused technology projects through effective portfolio prioritisation and project delivery management.

Our ways of working

In an environment of constrained resources and rapidly changing challenges, it will be increasingly crucial for the ACCC to work in a way that allows resources to be prioritised and allocated flexibly. We will do this by ensuring that:

- we allocate resources to priority areas by:
 - using data-driven intelligence to ensure that decisions are linked to impact and resources are linked to decisions
 - increasing sharing of resources across the agency
 - flexible budget allocation
- our organisational structure is adaptive and supports new ways of working and faster decision making by:
 - using agile purpose-based teams where appropriate
 - ensuring decision making structures and frameworks remain fit for purpose
 - devolved decision making where possible
- innovation and acceptable risk taking is part of our culture by
 - dedicating resources to innovation and continuous improvement
 - trialling new ways of working through experimentation and iteration
 - developing and maintaining informal processes where appropriate.

The agency's structure supports the efficient provision of specialist advice and support across all parts of the agency. The Specialist Advice and Services Division is an integrated in-house service provider, delivering strategic advice and expert legal, economic and data analysis and legal technology support across all the activities of the ACCC and the AER.

The ACCC AER Legal Service assists the ACCC and AER in making legally informed decisions and to adopt processes for decision making that are appropriate for a statutory agency. It assists in managing the agency's litigation, including through facilitating, as an informed purchaser, external legal services engaged to provide assistance in matters involving litigation. The Legal Service provides legal information and guidance on relevant legal topics. It also provides expert advice in managing the agency's corporate legal obligations.

The Economic Group facilitates consistent and robust use of economic principles in decision making, increases the quality of economic analysis and contributes to economics-related learning and development initiatives. The Economic Group is committed to strengthening the quality of economic analysis in the organisation and to maximising the influence of economic principles in decision making and through supporting capability growth.

The International Unit facilitates the ACCC's engagement with our international counterpart agencies and participation in key international fora such as the OECD, the International Competition Network and International Consumer Protection Enforcers Network (ICPEN). These activities enhance the capacity of the agency to give effect to its mandate, including through investigative and enforcement cooperation, information sharing and sharing of best practices. The International Unit also manages 2 capacity building programs, the AANZFTA CAP and CLIP. These programs enable the ACCC to increase engagement with and provide technical and capability assistance to competition and consumer law agencies within ASEAN for our mutual benefit.

The Data and Intelligence Branch support the ACCC and AER to make data driven decisions based on data analysis, effective information handling and intelligence methodology. In particular, it provides

assistance that informs strategic decision making, data management and governance, and develops tools for accessing and using data and information, as well as providing integrated, specialist legal technology services to line areas across the agency, including managing high document volumes and deployment of advanced analytics for document review.

The stewardship of the agency

The ACCC has been a successful regulator, but this is no guarantee of future effectiveness.

As an independent regulator it is important that our robust and transparent decision making, guided by our values, is responsive to complex challenges and demands. We do this by ensuring that:

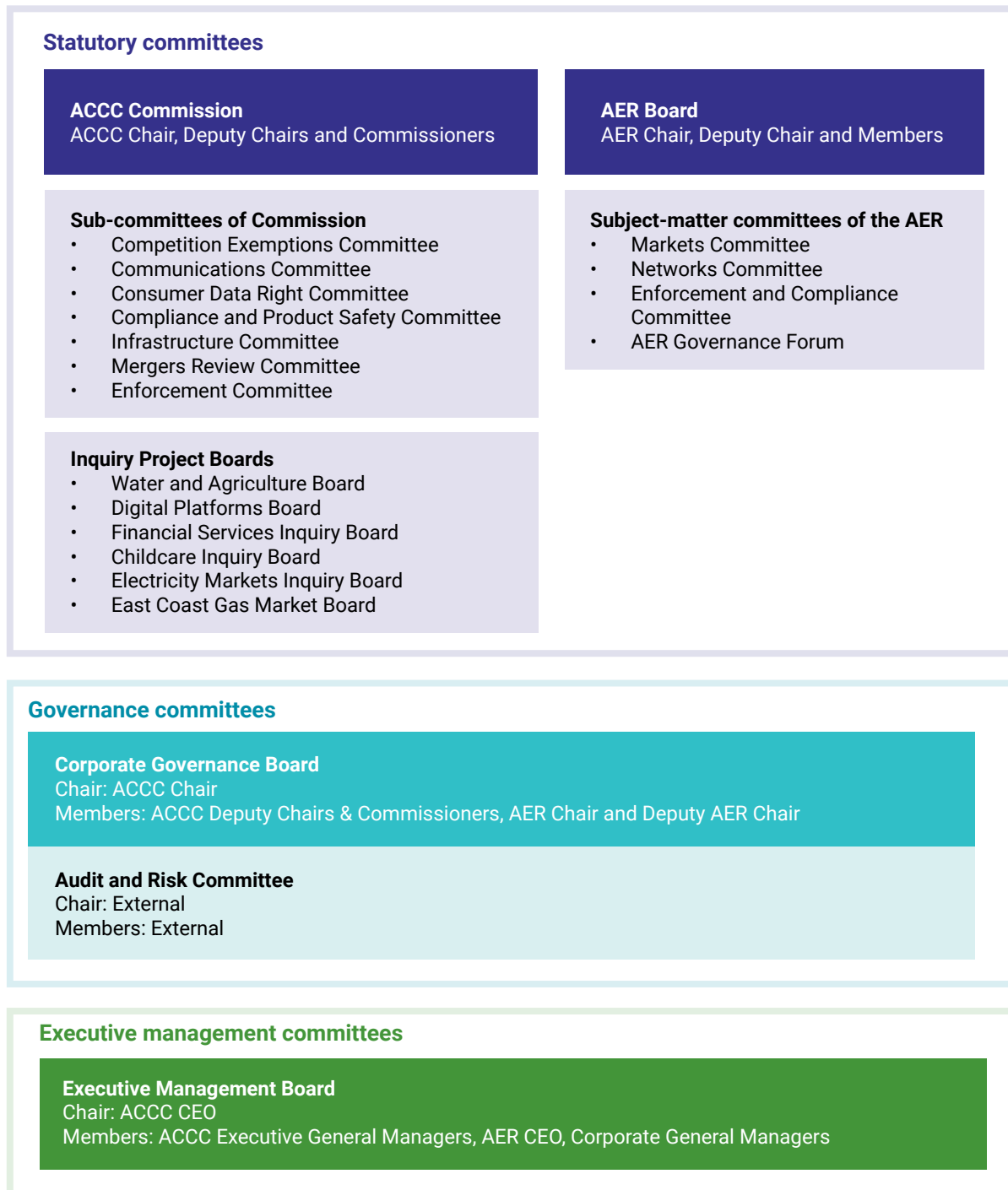
- our role is clear in the face of expanding responsibilities
- our connections with external stakeholders provide opportunities for better outcomes for consumers
- our internal collaboration assists us to achieve better outcomes for consumers
- we remain objective by making decisions based on data and evidence
- change is managed successfully in the organisation.

The agency's corporate governance framework equips us to achieve our strategic objectives while complying with legislation and policies, maintaining performance standards and making the most cost-effective use of resources.

The ACCC makes statutory decisions through formal meetings of its Commission, assisted by subject-matter committees (such as the Enforcement Committee and the Mergers Review Committee) and various specific project boards. ACCC Commissioners are full time statutory office holders. ACCC Commissioners collectively have a clear view of the connection between their statutory decision making on particular matters and the overall staffing resources and legal expenditure implications of those decisions.

The Corporate Governance Board sits at the apex of the agency's governance structure. ACCC Commissioners and the AER Chair and Deputy Chair form the Corporate Governance Board, which is advised by our Audit and Risk Committee.

Figure 6: Governance framework



Financial management and capital investment

The ACCC and AER have a coordinated Strategic Financial Plan and a 5-year budget model that models the current financial year and out-years. This provides an outlook as to the future capacity of the agency. The model is only an indicator at a point in time, as additional functions can be assigned to the ACCC and AER with varying levels of funding attached.

We continue to focus on our financial management capacity and skills to strengthen the financial maturity of the agency and our executive managers. This extends to lower levels of management to ensure a thorough understanding of the importance of financial management, and to provide experience for future senior managers.

Four-year budget estimates for the ACCC and AER are published in the Treasury's Portfolio Budget Statements following a formal government budget process. The following tables reflect funding confirmed at the most recent Budget – the Portfolio Budget Statements 2023–24 published in May 2023. The tables set out the ACCC's and AER's departmental operating funding (in nominal \$s) for 2023–24 and forward years of the budget estimates.

Program 1: ACCC 2023–24 to 2026–27 (\$millions)

	2023–24	2024–25	2025–26	2026–27
Appropriation	231.98	225.36	187.97	187.33

Program 2: AER 2023–24 to 2026–27 (\$millions)

	2023–24	2024–25	2025–26	2026–27
Appropriation	90.05	85.86	84.89	84.52

The agency has a capital investment management plan that provides a forward looking strategy that integrates capital asset replacement within a constrained capital budget and planning framework.

Capital investment falls into 4 discrete categories: property, ICT investment, ICT refresh, and office equipment. Across these categories, strategic decisions will be made regarding the:

- nature and composition of asset replacement (for example, relocation of offices as leases approach expiry, or the replacement of major ICT systems)
- prioritisation and scheduling of asset replacements within available capital budget
- method of acquisition – consideration of capital resourcing the current operating environment and emerging trends may predispose a lease option as opposed to a capital purchase
- funding source and budget context, particularly for projects identified as potential candidates for new policy proposal funding.

The Canberra office lease was renegotiated and a new fit out completed, funded from reserves. The fit outs have and will trial facilities to support new ways of working through experimentation and iteration.

The property refurbishments are highlighted as major decision points and planning will be undertaken to assess the agency's requirements for floor space in light of the new ways of working and our ability to fund capital works from new funding or reserves (if required).

Performance indicators

Performance indicators	Target	
	2023–24	2024–25 – 2026–27
<p>7a. Agency APS census ‘wellbeing’ score</p> <p><i>Methodology: Positive percentages are calculated by adding together positive responses (e.g., strongly agree + agree, or always + often) and dividing by the number of respondents who answered the questions</i></p> <p><i>Data source: APS Census results</i></p> <p><i>Related regulator best practice principles: 1</i></p> <p><i>Related key activities: 7.1</i></p>	> 77%	Maintain or improve result from previous survey
<p>7b. Agency APS census ‘employee engagement’ score</p> <p><i>Methodology: Positive percentages are calculated by adding together positive responses (e.g., strongly agree + agree, or always + often) and dividing by the number of respondents who answered the questions</i></p> <p><i>Data source: APS Census results</i></p> <p><i>Related regulator best practice principles: 1</i></p> <p><i>Related key activities: 7.1</i></p>	> 79%	Maintain or improve result from previous survey
<p>7c. The percentage of positive responses to APS Census survey questions about whether employees have the appropriate skills, capabilities and knowledge to perform well</p> <p><i>Methodology: Positive percentages are calculated by adding together positive responses (e.g., strongly agree + agree, or always + often) and dividing by the number of respondents who answered the questions</i></p> <p><i>Data source: APS Census results</i></p> <p><i>Related regulator best practice principles: 1</i></p> <p><i>Related key activities: 7.1</i></p>	> 86%	Maintain or improve result from previous survey
<p>7d. Continue to reduce the agency’s gender pay gap</p> <p><i>Methodology: The percentage difference between the average annual, full-time equivalent earnings of male and female employee cohorts (male average minus female average, divided by male average). Consistent with methodology used by the Workplace Gender Equality Agency</i></p> <p><i>Data source: Aurion (Internal Human Resources (HR) records management system)</i></p> <p><i>Related regulator best practice principles: 1</i></p> <p><i>Related key activities: 7.1</i></p>	< 5%	2024–25: <5% 2025–26: 4.9% 2026–27: <4.8%

Performance indicators	Target	
	2023-24	2024-25 – 2026-27
7e. Percentage of employees who identify as Indigenous	3%	2024-25: 3% 2025-26: 3.25% 2026-27: 3.5%
<p><i>Methodology: As at 30 June of the reporting period, the total number of employees who identify as Indigenous in Aurion divided by the total number of employees, expressed as a percentage. APS Census – the total number of survey respondents who identify as Indigenous, divided by the total number of survey respondents who answered the question, expressed as a percentage</i></p> <p><i>Data source: Aurion (Internal HR records management system) and APS Census results</i></p> <p><i>Related regulator best practice principles: 1</i></p> <p><i>Related key activities: 7.1</i></p>		
7f. Percentage of employees who identify as a person with disability	7%	2024-25: 7% 2025-27: To be set in future years based on Disability Action Plan
<p><i>Methodology: As at 30 June of the reporting period, the total number of employees who identify as a person with a disability in Aurion divided by the total number of employees, expressed as a percentage. APS Census – the total number of survey respondents who identify as a person with a disability, divided by the total number of survey respondents who answered the question, expressed as a percentage</i></p> <p><i>Data source: Aurion (Internal HR records management system) and APS Census results</i></p> <p><i>Related regulator best practice principles: 1</i></p> <p><i>Related key activities: 7.1</i></p>		
7g. Number of security awareness activities delivered to drive a security aware culture	12	12
<p><i>Methodology: Count of security awareness activities recorded</i></p> <p><i>Data source: Internal records</i></p> <p><i>Related regulator best practice principles: 1 and 2</i></p> <p><i>Related key activities: 7.1 and 7.2</i></p>		
7h. Overall ICT system availability	99.9%	99.9%
<p><i>Methodology: Total number of minutes during the time period minus the number of minutes of outages divided by the total number of minutes during the time period, expressed as a percentage</i></p> <p><i>Data source: Audit logs from internal IT systems such as on-site servers and external IT systems such as those associated with telephony and cloud services</i></p> <p><i>Related regulator best practice principles: 1</i></p> <p><i>Related key activities: 7.2</i></p>		



10. Message from AER Chair, Clare Savage

The AER approaches the 2023–24 financial year with a deep understanding of the importance of our work for all our stakeholders.

The past year has seen volatility in energy markets that has impacted, and continues to impact, market participants and consumers.

Households and businesses across the nation face cost of living pressures and rising energy prices are but one contributing factor.

We recognise that this is a challenging time and there is much work to be done.

Our goal remains to advance the long-term interests of energy consumers as the energy system itself transforms to greater use of renewable and decentralised generation.

It will be another important year for the AER, and we are prepared for the challenges that lie ahead.

We have been working to ensure we have all the pieces in place to help us deliver on our plan.

The AER recently welcomed 2 new Board members, bringing us back to our full complement of 5, and our Chief Executive Officer (CEO) has been appointed to the Net Zero Agency Advisory Board, the work of which aligns with the AER's purpose.

Our recent funding boost in the 2023–24 Federal Budget is a strong endorsement of our work. It means we can continue to deliver positive outcomes through our existing functions and work with industry to help them meet their obligations. We can also take on new roles such as our anticipated new powers to monitor electricity market hedging contracts, the findings of which will inform other areas of our work.

Most importantly, we have a committed and engaged workforce with a strong sense of purpose. The expertise and dedication of our people is an important asset for our agency, and we will continue to invest in them through development opportunities and ongoing recruitment.

Our focus in 2023–24 will continue to be on protecting consumers while enabling them to participate in electricity and gas markets.

Our vulnerability strategy, *Towards energy equity*, was released in late 2022 and we are continuing to work through new and tangible initiatives to protect consumers experiencing vulnerability. This includes our Better Bills Guideline to make energy bills simple, uncluttered, and easy to understand. We are working with retailers to have these changes in place by September 2023.

We are also working on an energy ‘game changer’ to share the costs and risks of vulnerability more equitably across the energy sector and we are looking at ways this could take shape.

We have made a number of enhancements to our price comparator website, *Energy Made Easy*, to provide consumers with a better user experience. We launched a public beta test site in June 2023 and we are on track to deliver the fully enhanced site by the end of this calendar year.

We are also redeveloping the AER corporate website to improve the way energy businesses and consumers engage with us.

We will continue to build trust in the energy sector through diligent market surveillance and reporting, and compliance and enforcement. Our increased activity in this area has resulted in record-breaking penalties to businesses that have breached the energy laws.

Our priorities in compliance and enforcement will:

- improve outcomes for customers experiencing vulnerability
- make it easier for consumers to understand their energy plan and empower them to engage in the energy market
- support power system security and the maintenance of critical infrastructure in the National Electricity Market
- support a more efficient and transparent gas market under the new Gas Market Transparency Measures.

Our new regulatory functions gained under the government’s Energy Price Relief Plan and NSW Government coal market directions, will enable us to monitor wholesale electricity and gas market trends and advise on the impacts of market intervention. And our new gas transparency powers will give us greater insight into the value we’re getting out of the wholesale gas market.

Our regulation of monopoly electricity and gas infrastructure will see us delivering statutory revenue determinations (or ‘resets’) for TasNetworks, EvoEnergy, Ausgrid, Essential Energy, Endeavour Energy, and Power & Water Corporation.

With \$115 billion of infrastructure assets under our regulation, we’re always looking at how we can facilitate efficient investment in, and efficient use of, gas and electricity services for the long-term interests of consumers.

The transition to net zero continues to provide new responsibilities for us to undertake. The amendment to the National Energy Objectives will see us factoring emissions into our regulatory decisions and we will give greater consideration to securing social license as a legitimate cost of doing business.

We are considering accelerated depreciation for gas networks to address uncertainty about the future of these networks and we are supporting customers to move safely to cleaner energy options by narrowing the price gap between temporary and permanent gas disconnection services.

As we evolve our regulatory frameworks and approaches, we will continue to contribute to the debate about Australia’s energy future.

Whether this is through our ongoing support of energy ministers and senior officials, my involvement with the Energy Advisory Panel (formerly the Energy Security Board), or through rule change submissions to the Australian Energy Market Commission (AEMC), we will draw on our expertise and influence to make energy consumers better off, now and in the future.

Finally, after receiving policy approval in May 2023, we will continue to prepare for separation from the ACCC. The precise timing for this is still uncertain but we anticipate that the legislation will pass in the 2023–24 financial year.

While I am excited for the AER to become its own non-corporate Commonwealth entity, with its own Accountable Authority, I look forward to a continuing strong partnership with the ACCC for the greater good of all Australian consumers.

Energy is an essential service, touching the lives of every Australian. We've got a big year ahead of us with an ambitious program of work.

I very much look forward to what we will achieve.

11. AER vision and purpose

The AER is a high-performing regulator that is:

- independent; open and accountable
- builds trust in Australia's energy system
- takes considered risks
- ensures the regulatory regime is fit for purpose
- engages actively with stakeholders.

The AER exists so that energy consumers are better off, now and in the future.

We focus on ensuring a secure, reliable and affordable energy future for Australia as it transitions to net zero emissions. We regulate wholesale and retail energy markets, and energy networks, under national energy legislation and rules. Our functions relate mostly to energy markets in eastern and southern Australia.

12. AER role and key activities

Consumer protection

The AER has a key role in enabling consumers to make informed choices about their energy supplier. Our role includes: setting the Default Market Offer to protect consumers from unjustifiably high prices and encourage participation in the market; approving policies that energy retailers must implement to assist consumers facing financial hardship and looking for help to manage their energy bills; administering a retailer of last resort scheme, which protects consumers and the market if an energy retailer fails; and a regulatory sandbox function to encourage innovation in energy technologies and new business models that benefit consumers.

In October 2022 the AER released Towards energy equity, a strategy to support vulnerable consumers by moving to a more inclusive energy market. The strategy contains 5 core objectives including improving identification of vulnerability, reducing complexity and enhancing accessibility, strengthening protections, using the consumer voice and lived experience to inform regulatory design and change, and balancing affordability and consumer protection by minimising overall cost to serve.

We also monitor and enforce compliance with obligations in the National Energy Retail Law (Retail Law), Rules and Regulations. Our compliance and enforcement work is data-driven, seeks to address harms and utilises the full spectrum of tools available to us. We also report on the performance of the market and energy businesses, including energy affordability and disconnection of customers for non-payment of energy bills.

Retail energy market regulation

The AER regulates retail electricity and gas markets in jurisdictions that have commenced the Retail Law. The Retail Law commenced in Tasmania (for electricity consumers only) and the Australian Capital Territory on 1 July 2012, South Australia on 1 February 2013, New South Wales on 1 July 2013 and Queensland on 1 July 2015. We also provide a price comparison website ([Energy Made Easy](#)) to help consumers find the best energy offers and services for their needs.

As part of our retail regulation role, we assess authorisation applications from businesses that want to become energy retailers, and provide exemptions for other businesses from authorisation requirements (for example, apartment buildings, nursing homes and caravan parks that on-sell energy to tenants).

Wholesale energy market regulation

In wholesale electricity and gas markets, we monitor, investigate and enforce compliance with national energy legislation and rules. We monitor participant bidding and rebidding, market dispatch and prices, network constraints and outages, demand forecasts and forecasts of production and capacity.

We also report on market activity, including: weekly reports on wholesale market outcomes; reports on prices outside normal thresholds; quarterly reports on the performance of the wholesale electricity and gas markets; and a biennial assessment of the effectiveness of wholesale electricity market competition.

While governments' Energy Price Relief Plan is in place we are also monitoring wholesale electricity and gas market trends to assist understanding of the impact of the market intervention; as well as regulating compliance with the related directions to NSW coal mines and coal-fired power stations.

Energy networks regulation

We regulate electricity networks and natural gas pipelines by setting the maximum amount of revenue they can earn, and the price they can charge, for regulated services. Network businesses submit revenue proposals. We review these proposals and make decisions after considering factors including: quality of engagement with customers; projected demand for electricity and natural gas; age of infrastructure; operating and financial costs; and network reliability and safety standards. Decisions generally apply for 5 years, and network businesses adjust their prices annually (which we approve each year during the 5-year period).

The NSW Government appointed the AER as a regulator under the [NSW Electricity Infrastructure Roadmap](#). We have been conferred a number of functions including assessing investment proposals (transmission efficiency test for contestable and non-contestable proposals), making revenue determinations and publishing an annual contribution determination.

Policy and advocacy

The AER draws on its expertise in energy markets and its analysis to inform and influence debate about energy policy. By leveraging our expertise, we advocate for policy changes and improvements to energy laws and rules that protect and promote the interests of energy consumers. Effective policy advocacy on behalf of consumers is particularly important given the nature and size of the energy transition that is underway. We engage in policy development via our Chair's membership of the Energy Advisory Panel, and through submissions on policy reviews and rule changes to the AEMC.

13. AER operating context

Environment

The energy system continues to undergo rapid change. The key drivers of this change influence the context in which the AER is operating. These drivers include price rises, changes in community and consumer expectations, government intervention, large scale renewable energy, consumer energy resources, technological change and uncertainty, uncertainty over the long term future of gas networks, increased regulation of gas networks, and recently high international prices of fossil fuels.

Cost of living pressures throughout the whole economy currently provide the backdrop to the AER's regulatory activities. Against this backdrop, the energy sector faces its own unique challenges as it undertakes a once-in-a-century transformation across all elements of the supply chain.

Australia's energy transition is at a crucial stage. Recent high fuel prices, plant outages and closure, and still somewhat volatile wholesale markets are challenging the ability of the system to deliver secure, reliable and affordable energy when it is subjected to shocks. The AER has an important role to play in ensuring community confidence in the system is restored and is well-founded. The current environment also highlights the need for efficient investment in low-cost renewable energy, firming resources and essential transmission to protect against further shocks.

Energy ministers have agreed to amend the National Energy Objectives to include an emissions reduction goal. The AER will therefore be required to take the need to reduce emissions into account in all of its decisions.

The community's expectations of the energy system are also evolving, with growing expectations of regulators. Consumer preferences, choices and behaviours are also changing, and the importance of recognising diverse needs is heightened. Transformative investments, which now include considerable investment by households in rooftop solar, batteries, and electric vehicles, raise new challenges for consumer protection, and new considerations for ensuring access to affordable energy for all consumers.

With the increased penetration of large scale renewable energy, it is evident that the market may not sufficiently value everything the system requires. Uncertainty about the ongoing reliability and ultimate retirement dates of ageing coal plants raise questions about how to achieve an orderly transition. The huge scale of investments in consumer energy resources is driving a fundamental change in the role of networks. Beyond renewables and consumer energy resources there is a trend towards digitisation and new services, with new market participants emerging.

To date, most focus on emissions reduction activities has been in the electricity sector. However, the implications of a net zero energy sector are potentially even more profound for the gas sector. The transition to low-carbon fuels driven by carbon emissions, government policies, increased competitiveness of electricity, and potential opportunities for hydrogen is leading to uncertainty in the future demand for gas and gas pipelines. The uncertainty of future demand is creating the potential for future stranding of gas networks, price impacts on gas customers, and leading to questions about the adequacy of existing policies, rules and regulations.

The AER is adapting its priorities and the delivery of its work program as the operating environment evolves, while doing all it can to ensure energy consumers are better off, now and in the future.

Risk oversight and management

Risk management is an integral part of ensuring the AER’s success in achieving our strategic objectives, priorities and key activities. We are committed to managing risk and are working to integrate risk management priorities into our strategic planning, decision making and business operations. This commitment is underpinned by the ACCC and AER Risk Management Framework, modelled on best practice requirements of the Commonwealth Risk Management Policy.

Our governance committees play an important role in ensuring we have effective risk management practices:

- The AER Board determines our risk appetite and tolerance.
- The AER CEO provides reports to Board members on our strategic risks and on realised operational risks that are of a serious nature.
- The ACCC and AER Audit and Risk Committee provides independent advice and assurance on AER’s risk oversight and management approach and outcomes.

AER strategic risks

The AER is managing 8 strategic risks, as detailed in the table below.

Strategic risk	Management strategies
Inability to fund and deliver existing and new statutory functions	<ul style="list-style-type: none"> ■ We participate in government’s annual and mid-year budget processes to secure additional resources where appropriate and demonstrate value for money whenever government makes those investments. ■ Rigorous business planning and budgeting processes ensure the alignment of people and resources with the areas of greatest priority. ■ In our business planning we ensure express consideration of what we will cease to do (or do less of). We review and reprioritise our work program, as necessary. ■ Engagement with AEMC and relevant government agencies, including at Board and senior leadership levels, builds mutual understanding of the impacts of law and rule changes on AER (including their timing relative to government budget processes).
Incomplete advice resulting in compromised decision-making or the perception of regulatory capture	<ul style="list-style-type: none"> ■ Regulatory decisions are made by our 5-member independent Board, informed by the detailed evidence and analyses compiled by staff and consultation with a cross section of stakeholders to ensure a balance of views is considered. ■ Our 3 Board Committees (Enforcement & Compliance; Markets and Networks) provide the opportunity for early input by members, senior officials, and subject matter experts to strategy, brainstorming and debate. ■ Our Board and Committee processes support decision making, e.g. paper/presentation templates that promote options in addition to recommendations and consideration of the risk of no action; agenda planning to ensure that there is enough time for discussion/debate. ■ We seek feedback via a regular survey of Board satisfaction as well as a Stakeholder Survey including perceptions about our impartiality and transparency.

Strategic risk	Management strategies
<p>Failure to attract, develop and retain the capability required to deliver existing and new functions</p>	<ul style="list-style-type: none"> ■ The AER's People Framework was finalised in June 2022, documenting the broad array of initiatives, policies, systems, and processes in place to support our people and the AER to grow and adapt, including: <ul style="list-style-type: none"> - employee value proposition - recruitment & selection - rewards & recognition - retention management - workforce planning - induction - capabilities development - performance development & feedback - succession planning. ■ AER Culture Plan: the AER is committed to building a positive culture and has articulated its own culture plan, developed by staff for staff. ■ APS Census: in consultation with staff we develop and implement action plans in response to the findings of the annual APS Census survey to respond to staff views and sentiment about working for AER.
<p>Consumers and AER's strategic objectives are compromised due to inconsistent policy frameworks and a fragmented national energy market</p>	<ul style="list-style-type: none"> ■ Relationships with key stakeholders responsible for regulation setting (principally the AEMC and government/s) ensures the AER's awareness of and participation in legislative and rule-making processes. ■ Being a regulator of choice and working flexibly with jurisdictions enables us to input into state-based regulatory design and champion the benefits of a national approach where appropriate.
<p>Failure to deliver accurate, high-stakes regulatory decisions or processes</p>	<ul style="list-style-type: none"> ■ Prioritise Quality Assurance (QA) with clear identification of what branch owns the QA process and the content in each branch. ■ Enhance processes through documentation and systematisation of repeatable and key processes. This includes independent expert review of key analyses where necessary. ■ Promote a culture of process review: embed culture of challenging processes and empowering staff to proactively identify process enhancements. ■ Apply lessons learnt practices and conduct active reviews when there are close calls.
<p>Inadequate technology solutions resulting in compromised data security and IT failures</p>	<ul style="list-style-type: none"> ■ Progress the AER Data Strategy by delivering ICT and data projects that improve the AER's ICT and data systems and reduce the opportunity for human error. ■ Successful business case to seek funding for AER's digital transformation to improve AER's ICT and data capability in the 2023–24 financial year.

Strategic risk	Management strategies
Lack of adequate governance frameworks impacting on the AER's probity and integrity	<ul style="list-style-type: none"> ■ Engagement with the Audit and Risk Committee and AER Governance Forum and implementation of the Australian National Audit Office and internal audit recommendations. ■ Development, maintenance, and adherence to governance frameworks including financial delegations and Accountable Authority instructions. ■ Regulatory decisions are made by our 5-member independent Board, informed by the detailed evidence and analyses compiled by staff. ■ We seek feedback via a regular survey of Board satisfaction as well as a Stakeholder Survey including perceptions about our impartiality and transparency.
Successful legal separation of the AER from the ACCC is delayed or compromised due to inadequate preparation, planning, or execution	<ul style="list-style-type: none"> ■ Oversight from ACCC and AER Legal Separation steering committee reporting to the Audit and Risk Committee and AER Governance Forum. ■ Consultation with the Department of Finance as the experts in Machinery of Government arrangements and the establishment of new Commonwealth entities. ■ Early and accurate assessment of the fitness for purpose of governance arrangements, including a governance framework that ensures effective committees, risk management, probity and integrity, and lawful and appropriate decision making. ■ Active engagement with other government agencies and governments to ensure the necessary consents and legislative arrangements are in place and fit for purpose.

Cooperation and collaboration

The AER's work is informed by regular dialogue with a range of stakeholders, including other market bodies, industry bodies, industry participants, ombudsmen, consumer groups and governments.

The AER Strategic Plan guides our approach to stakeholder engagement and recognises that we must:

- proactively engage with stakeholders and seek to listen to and understand diverse perspectives
- embrace creative ways of engaging that work for stakeholders, not just us
- clearly communicate decisions and make it easy to engage with us
- work in partnership with other energy market bodies and the Energy Council on matters of common interest.

National engagement

We support the **energy ministers**, and their energy senior officials, by providing clear advice on energy issues as required. In particular, we brief on issues and draw on our expertise to engage in policy reviews and rule change processes initiated or approved by the ministers. Additionally, we help implement reforms arising from these processes.

The AER Chair is a member of the **Energy Advisory Panel** which:

- identifies, anticipates and provides advice on emerging and future energy market developments, focussing on providing early advice on policy or regulatory changes to sustain security, reliability and affordability through the transformation
- provides a sounding board for energy ministers (through senior officials) on policy and regulatory reforms under consideration or development through the National Energy Transformation Partnership
- facilitates continued coordination, collaboration and information sharing between member agencies [the AEMC, the Australian Energy Market Operator, AER, ACCC (observer) and Energy Consumers Australia (observer)].

We work closely with other **energy market bodies**, the AEMC and the Australian Energy Market Operator, as well as Energy Consumers Australia. The AER is a member of the Utility Regulators Forum. We have established memorandums of understanding with state-based energy ombudsman schemes, Energy Safe Victoria, Australian Renewable Energy Agency (ARENA) and other regulators such as the Essential Services Commission in Victoria.

We also work closely with the ACCC on matters of common interest.

Consumer engagement is a key part of the AER's stakeholder engagement work. In addition to regularly receiving direct feedback via our Contact Centre, in 2023–24 the AER continues to engage through 2 key consumer engagement groups:

- **Customer Consultative Group:** a key source of consumer insights and intelligence for the AER and helps to ensure consumers' voices are heard and considered in our work and decisions. The Customer Consultative Group's role is to provide advice to the AER on the issues facing residential and small business energy customers, particularly those related to our functions under the Retail Law and National Energy Retail Rules.
- **Consumer Challenge Panel:** plays a key role in assisting the AER in ensuring the AER's regulatory determinations appropriately consider consumer perspectives. Members are individuals with significant local and international expertise, spanning fields including economic regulation, energy networks, behavioural economics, and consumer engagement.

International engagement

We aim to maintain an active role in international networks relevant to our strategic priorities and those of energy ministers under the *Strategic Energy Plan*.

The AER is a founding member of the International Regulatory Accelerator which brings together international regulators and aims to enhance the knowledge and capabilities of energy regulators to accelerate the decarbonisation of their energy systems. The AER also continues to participate in other international groups including the Energy Intermarket Surveillance Group, the World Energy Forum, the OECD Council of Economic Regulators, the Asia Pacific Energy Regulatory (APER) Forum and International Regulatory Futures Forum.

We also have memorandums of understanding with fellow regulators in other countries, such as the Federal Energy Regulatory Commission (United States) and the Electricity Regulatory Authority of Vietnam.

14. AER performance framework

In 2020–21 we revised our performance framework to align with the AER’s new Strategic Plan 2020–2025 and this has been largely maintained in 2023–24; minor adjustments have been made as a result of a strategy refresh undertaken in March 2023. For each AER strategic objective we have set out annual key actions (see Section 16), with routine internal reporting in place to monitor progress. We have also identified a suite of performance measures for each AER strategic objective.

The performance measures not only measure the outputs of our work, but also seek to measure impact and outcomes. Moving to a framework that considers impacts and outcomes means that the results for some measures are not wholly within the AER’s control. Rather the AER contributes to an impact/outcome which requires the focus of numerous organisations within the energy system.

In 2023–24 we have added 4 new performance measures to directly address the government’s regulator best practice principles.

15. AER strategic objectives

In December 2020 the AER finalised and launched its Strategic Plan 2020–2025, and in March 2023 we undertook a mid-plan review and refresh. Our strategic objectives and priorities were updated to reflect:

- the progress that has already been made toward delivering the strategic plan
- updated government policy
- our changed operating environment.

The outcomes sought are grounded in the former Council of Australian Governments' *Strategic Energy Plan*. To support these outcomes the AER articulated 4 key objectives which were lightly refreshed in March 2023:

1. Protect vulnerable consumers, while enabling all consumers to participate in electricity and gas markets.
2. Effectively regulate competitive electricity and gas markets primarily through monitoring and reporting, and enforcement and compliance.
3. Deliver efficient regulation of monopoly electricity and gas infrastructure while incentivising networks to become platforms for energy services.
4. Evolve our regulatory frameworks and approaches to support the transition to net zero emissions.

Energy ministers have accepted the AER's strategic objectives by articulating them as expectations in their Statement of Expectations, August 2022. Our Statement of Intent summarises how we intend to meet the energy ministers' expectations of us; this corporate plan provides a more granular level of detail including the key actions that we will take in 2023–24 as well as performance measures.

16. AER priorities and performance

The AER's strategic plan identifies our strategic priorities under the umbrellas of *execute*, *tilt*, and *advocate*:

- **Execute:** We undertake our core activities efficiently and to an exceptional standard.
- **Tilt:** We use the tools at our disposal to adapt our approach in response to emerging challenges and opportunities.
- **Advocate:** We use our capabilities and experience to improve the regulatory framework.

Key actions to be achieved in 2023–24, for each of our 4 strategic objectives and linked to our strategic priorities are set out below.

Strategic objective 1: Protect vulnerable consumers while enabling all consumers to participate in electricity and gas markets

Execute

- Ensure the Default Market Offer protects consumers from unreasonably high prices and enables a competitive retail market.
 - Maintain Energy Made Easy as an effective comparison service for energy consumers.
-

Tilt

- Deliver a consumer strategy which embeds consumer (including First Nations peoples) insights and impacts in our work and decisions.
 - Implement the AER's Towards Energy Equity strategy, including by:
 - improving the identification of consumer vulnerability
 - reducing complexity and enhancing accessibility for energy consumers
 - strengthening protections for consumers facing payment difficulty
 - using the consumer voice and lived experience to inform regulatory design and change.
 - Review and apply the exemptions framework to ensure it adequately protects energy consumers (such as those within embedded networks).
 - Use compliance and enforcement outcomes to improve retailer education and consumer understanding on rights and responsibilities.
 - Continue to upgrade Energy Made Easy and work towards it becoming a switching service.
-

Advocate

- Develop energy sector wide 'game changer' reforms that deliver a more equitable and efficient sharing of costs and risks of vulnerability across the sector.
-

Performance measures

Performance measure	Target			
	2023–24	2024–25	2025–26	2026–27
1.1 AER stakeholders' agreement with the following statements: <ul style="list-style-type: none"> ■ The AER supports and protects energy consumers, particularly those in vulnerable circumstances. ≥75% ■ The AER demonstrates a sound knowledge and understanding of energy consumers. ≥71% 		Maintained or improved compared to previous year.		
<i>Method: Proportion of AER Stakeholder Survey responses of 7 or higher in response to questions about the AER protecting vulnerable energy consumers and understanding the needs of energy consumers</i>				
1.2 Customers experiencing payment difficulty are identified early and provided with appropriate supports		Maintained or improved compared to previous year		
<i>Method: Analysis of retail performance reporting data held by the AER to calculate the proportion of payment plans completed</i>				
1.3 Consumer (household and small business) confidence that the energy market is working in their long-term interests	≥ 35% (households) ≥ 46% (small business)	Maintained or improved compared to previous year		
<i>Method: Proportion of respondents to the Energy Consumers Australia consumer sentiment survey who give this a rating of 7 or higher</i>				
1.4 a) Number of plan searches conducted on the Energy Made Easy website	>1,192,000	Improved compared to previous year		
b) Number of people who switched providers after completing a search on Energy Made Easy	>79,000			
<i>Method: a) analysis of website data held by AER b) analysis of Australian Energy Market Operator data</i>				
1.5 New and amended retailer hardship policies assessed within 12 weeks of AER receiving all relevant information	100%	100%	100%	100%
<i>Method: Analysis of AER records</i>	<i>Note: 12 week service standard may not be met for complex policies</i>			

Strategic objective 2: Effectively regulate competitive electricity and gas markets primarily through monitoring and reporting, and enforcement and compliance

Execute

- Produce targeted and insightful market performance reports.
 - Deliver market monitoring /surveillance activities including ad hoc analytics and insights.
 - Undertake compliance and enforcement activities to minimise the risk of consumer harm and/or market detriment.
 - Further develop and refine the AER's risk-based model for prioritising compliance and enforcement work and for assessing non-compliance.
 - Oversee the dispute resolution framework efficiently and effectively.
 - Facilitate entry of high-quality and resilient market participants, and minimise consumer disruptions if a retailer exits.
-

Tilt

- Enhance the AER's market performance reporting frameworks by:
 - continuously improving the AER's performance reporting suite to respond to the needs of our audience, consumers, and changing market dynamics
 - working with other bodies to ensure reporting is well informed and, where possible, complementary.
 - Continue to develop our analysis of competitive positions of different classes of generators by extending on findings and analytical techniques in our Wholesale Electricity Market Performance Reports.
 - Enhance market monitoring/surveillance capabilities so that they provide both retrospective and proactive insights into market dynamics, participant behaviour and market outcomes including by:
 - enhancing our data management and analytical capabilities and processes
 - building capability to examine additional dimensions of the electricity, gas and related markets as they evolve – e.g. contract markets, competition and efficiency in gas markets, competition in system security markets.
 - Respond to new responsibilities, including coal market interventions, by building new reporting, analytical and compliance capability.
-

Advocate

- Use learnings from market monitoring and surveillance as well as compliance and enforcement to advocate for improvements to the regulatory framework.
-

Performance measures

Performance measure	Target			
	2023–24	2024–25	2025–26	2026–27
2.1 Extent to which performance of retail and wholesale energy markets is identified as an issue <i>Method: Qualitative analysis of AER and AEMC reports</i>	No target Rationale: Due to the qualitative nature of this measure, an annual target cannot be set			
2.2 Proportion of all market reports published within agreed/statutory timeframes <i>Method: Analysis of AER records in relation to reports on: Weekly Wholesale Markets, Quarterly Retail & Wholesale Market Performance, Annual Retail Markets, Annual Retail Compliance, Annual State of the Energy Market, Biennial Wholesale Electricity Market, High Price Events</i>	100%	100%	100%	100%
2.3 The AER’s market performance reports are useful to stakeholders <i>Method: Proportion of AER Stakeholder Survey responses of 7 or higher in response to questions about:</i> <ul style="list-style-type: none"> ▪ producing reports that are clear and easy to understand ▪ the usefulness of its information about wholesale market activity ▪ the usefulness of its reporting on the performance of retail energy markets 	≥81%	Maintained or improved compared to previous year		
2.4 Work delivered against AER compliance and enforcement priorities <i>Method: Percentage of work undertaken in accordance with AER compliance and enforcement priorities: audits undertaken; audit results published; reviews, forums and workshops undertaken; compliance programs published; enforcement outcomes announced; general guidance issued</i>	No target Rationale: While we monitor our focus on stated priorities, AER must enforce all regulatory requirements. Annual targets are not appropriate			
2.5 Stakeholder awareness of the AER’s current compliance and enforcement priorities <i>Method: Proportion of AER Stakeholder Survey responses of 7 or higher in response to an awareness question about the AER’s compliance and enforcement priorities</i>	≥87%	Maintained or improved compared to previous year		
2.6 Retail authorisation and exemptions applications to sell energy assessed within 16 weeks of receiving all relevant information <i>Method: Analysis of AER records</i>	100%	100%	100%	100%
		<i>Note: 16 week service standard may not be met for complex applications with greater due diligence requirements</i>		

Strategic objective 3: Deliver efficient regulation of monopoly electricity and gas infrastructure while incentivising networks to become platforms for energy services

Execute

- Deliver and improve revenue and price controls and Integrated System Plan contingent project assessments by:
 - focusing on high impact actions that matter most to consumers
 - incentivising network businesses to deliver high-quality proposals that promote consumer interests
 - streamlining our assessment approaches.
 - Contribute to effective energy system planning by undertaking transparency reviews of the Integrated System Plan.
 - Deliver useful and relevant network performance reporting that enables:
 - stakeholders to be better informed and participate more effectively in debate on energy reforms as the energy market transitions
 - continuous improvement of the regulatory framework for networks.
 - Undertake network-related compliance and enforcement activities.
 - Support contestable markets by monitoring, and further developing, the electricity transmission and distribution ring-fencing guidelines.
-

Tilt

- Further refine and improve our network data, annual pricing process, review the market impact component of the service performance incentive scheme for transmission, and undertake foundational work for the rate of return instrument in anticipation of the next review.
 - Provide clear guidance to industry and the community on how social licence from communities for energy infrastructure projects is considered in our regulatory decision-making.
 - Review the value of customer reliability and the value of high impact low probability events to support appropriate levels of expenditure.
 - Refine and develop regulatory frameworks that support efficient large transmission investments and the development of renewable energy zones.
 - Oversee the role of gas networks in supporting the energy transition by:
 - delivering our increased role overseeing regulated and unregulated gas assets
 - recognising the important role of gas in the energy transition over the next decade, while minimising any adverse impacts on consumer from changes in gas consumption toward 2050.
-

Advocate

- Advocate for more efficient network investment and deployment of consumer energy resources and ensure that benefits are passed to consumers. Advocate for the establishment of policy frameworks that deal with the potential winding down of gas networks.
-

Performance measures

Performance measure	Target			
	2023–24	2024–25	2025–26	2026–27
3.1 The AER promotes efficient investment in, operation and use of energy services for the long-term interests of consumers	≥72%	Maintained or improved compared to previous year		
<i>Method: Proportion of AER Stakeholder Survey responses of 7 or higher in response to the question about AER promoting efficient investment in energy services</i>				
3.2 Revenue reset determinations for electricity networks and gas pipelines completed within statutory timeframes	100%	100%	100%	100%
<i>Method: Percentage of resets completed within statutory timeframes</i>				
3.3 Customers with a retailer exposed to cost reflective network tariff	Maintained or improved compared to previous year			
<i>Method: Analysis of networks pricing data held by the AER to calculate the proportion of customers</i>				
3.4 The AER undertakes efficient regulation of network businesses by focusing on high impact actions that matter to consumers	≥73%	Maintained or improved compared to previous year		
<i>Method: Proportion of AER Stakeholder Survey responses of 7 or higher in response to the question about AER efficiently regulating networks by focusing on high impact actions</i>				
3.5 The AER encourages the evolution of the regulatory framework to provide network customers with the services that they value at efficient prices	≥61%	Maintained or improved compared to previous year		
<i>Method: Proportion of AER Stakeholder Survey responses of 7 or higher in response to the question about AER encouraging the evolution of the regulatory framework to provide network customers with the services they value at efficient prices</i>				

Strategic objective 4: Evolve our regulatory frameworks and approaches to support the transition to net zero emissions

Execute

- Contribute to policy processes and reviews that support the energy transition where these impact on competition, consumers and the role of the AER, including AEMC rule changes and reviews.
 - Provide timely and insightful contributions to energy ministers, the Energy Advisory Panel and relevant market body forums.
 - Maximise the impact of regulatory sandboxes by facilitating trials and sharing and applying lessons learned to promote innovation.
 - Actively engage in domestic and international, energy and regulation forums and events (e.g. the Utility Regulators Forum) to share knowledge and develop regulatory expertise on the energy transition.
-

Tilt

- Review regulatory settings for consumer energy resources to optimise utilisation, protect and build trust with consumers, and enable distribution network service providers to provide platforms for energy services.
 - Provide effective oversight of existing and emerging regulatory requirements relating to wholesale market reliability and security by:
 - contributing to the design of new reliability and security mechanisms
 - providing clear guidance to industry on the implementation of new mechanisms
 - undertaking effective market monitoring and compliance activities for current and emerging reliability and security mechanisms as they enter the market and evolve.
 - Embed the new emissions reduction objective into the AER's decision-making, operations and guidance to industry and consumer stakeholders.
-

Advocate

- Advocate to ensure that arrangements governing consumer energy resources technical standards are fit for purpose, protect the interests of consumers and do not lead to inefficient network investment.
-

Performance measures

Performance measure	Target			
	2023–24	2024–25	2025–26	2026–27
4.1 The AER's reports inform debate about Australia's energy future and regulatory landscape <i>Method: Proportion of AER Stakeholder Survey responses of 7 or higher in response to question about the AER's contribution to the debate about Australia's energy future and regulatory landscape</i>	≥72%	Maintained or improved compared to previous year		
4.2 AER stakeholders' agreement with the following statements:	Maintained or improved compared to previous year			
<ul style="list-style-type: none"> ■ The AER engages effectively with its stakeholders 	≥76%			
<ul style="list-style-type: none"> ■ The AER shows leadership in pursuing or promoting priority issues in the energy sector <i>Method: Proportion of AER Stakeholder Survey responses of 7 or higher in response to questions about engagement with stakeholders and showing leadership</i>	≥73%			
4.3 Reach of AER communication activities <i>Method: Analysis of AER strategic communications and engagement data to calculate the growth in audience of AER-owned communication channels</i>	≥57,486	Maintained or improved compared to previous year		
4.4 Number of rule change proposals that the AER successfully influenced <i>Method: Quantitative trend over time</i>	No target Rationale: While it is useful to monitor trends, it is not appropriate to set annual targets			

17. AER regulatory practice

The AER provides outcomes-focused regulatory services that emphasise a proportional approach to risk, genuine engagement with regulated entities and the broader community, and the importance of maintaining trust and confidence in regulatory settings. Resource Management Guide – Regulator Performance (RMG 128) identifies 3 principles of regulator best practice:

- **Continuous improvement and building trust:** regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia’s regulatory settings.
- **Risk based and data driven:** regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.
- **Collaboration and engagement:** regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

The AER applies these principles in how we undertake our work and monitors progress using 4 headline performance measures.

Performance measures

Performance measure	Target			
	2023–24	2024–25	2025–26	2026–27
5.1 The AER is trusted by key stakeholders <i>Method: Proportion of AER Stakeholder Survey responses of 7 or higher in response to a question about their level of trust in the AER</i>	≥85%	Maintained or improved compared to previous year		
5.2 Key stakeholders agree that the AER has a balanced approach to risk that maintains essential safeguards for consumers while minimising regulatory burden <i>Method: Proportion of AER Stakeholder Survey responses of 7 or higher in response to a question about the AER’s approach to managing risk of harm to consumers and markets</i>	≥62%	Maintained or improved compared to previous year		
5.3 The AER engages effectively with its stakeholders <i>Method: Proportion of AER Stakeholder Survey responses of 7 or higher in response to a question about the effectiveness of the AER’s stakeholder engagement</i>	≥76%	Maintained or improved compared to previous year		
5.4 The AER demonstrates how consultation has informed decisions <i>Method: Proportion of AER Stakeholder Survey responses of 7 or higher in response to a question about how well the AER demonstrates how its decisions are informed by consultation</i>	≥68%	Maintained or improved compared to previous year		

18. Capability

In 2023–24 the AER will focus on:

- implementing the government’s decision to establish the AER as a new, listed non-corporate Commonwealth entity, separate from the ACCC
- continuing to embed our Culture Plan in everything we do
- implementing the AER Data Strategy
- Legal separation from the ACCC.

In mid-2023 the government and energy ministers agreed that the AER and ACCC should become separate entities for the purposes of the PGPA Act, and governed by the AER Board as the Accountable Authority. Legislative amendment is required to give effect to this decision, with the establishment of the AER as a new, listed non-corporate Commonwealth entity to follow.

Key capability building in 2023–24 to implement legal separation from the ACCC will include:

- reforming our corporate governance structures to support a stand-alone AER
- continuing to build an in-house legal advisory service (previously expert regulatory, competition and corporate law advisory has been provided by the ACCC)
- establishing arrangements for a full suite of HR services
- enhancing our internal communications capability.

Other corporate support services (including finance and ICT) will be purchased from third parties.

AER Culture Plan

In our strategic plan we committed to developing a dedicated AER Culture Plan based on Carolyn Taylor’s⁶ 6 different cultural archetypes. In March 2022 we finalised the AER Culture Plan which consists of behaviours, systems and symbols against each archetype:

- behaviours are how we want our people to act
- systems are the processes, tools, recourses and measures we will use
- symbols are ways we will express our culture.

Each of these are used together to help bring our culture to life. While all elements help to shape and develop our culture, the most critical are the behaviours. The behaviours underpin how we develop and use systems and the way we create our cultural symbols.

6 Carolyn Taylor (2015) *Walking the Talk: Building a Culture for Success*.

Figure 7: Cultural archetypes



AER Data Strategy

In May 2022 we finalised our 5-year data strategy, our whole-of-enterprise information strategy that includes architecture and governance initiatives to derive value from data assets.

Under the strategy, we intend to:

- embed a culture of data-driven decision making across the AER to extract the full value of data
- break down data silos and enable seamless data access
- effectively manage and govern agency data to improve decision-making
- extract value from data by employing state-of-the-art tools and technologies.

The AER Data Strategy will support us to deliver our strategic objectives and prepare the AER to tackle the demands of the changing energy landscape.

In the 2023–24 reporting period, the AER will:

- Develop a detailed ICT business case and a proposal to transform the AER's ICT and data systems. This digital transformation proposal will allow the AER to regulate the market more

effectively and efficiently, provide more timely advice and minimise the regulatory burden on the energy sector, with the benefits of these ultimately flowing to Australian energy consumers reflected by affordable energy prices.

- Progress the development and/or improvement of a number of data collection and management systems related to retailer performance, essential system services reporting, coal market interventions, NSW Renewable Energy Zones, wholesale contract monitoring and the Retailer Reliability Obligation.

Organisational structure

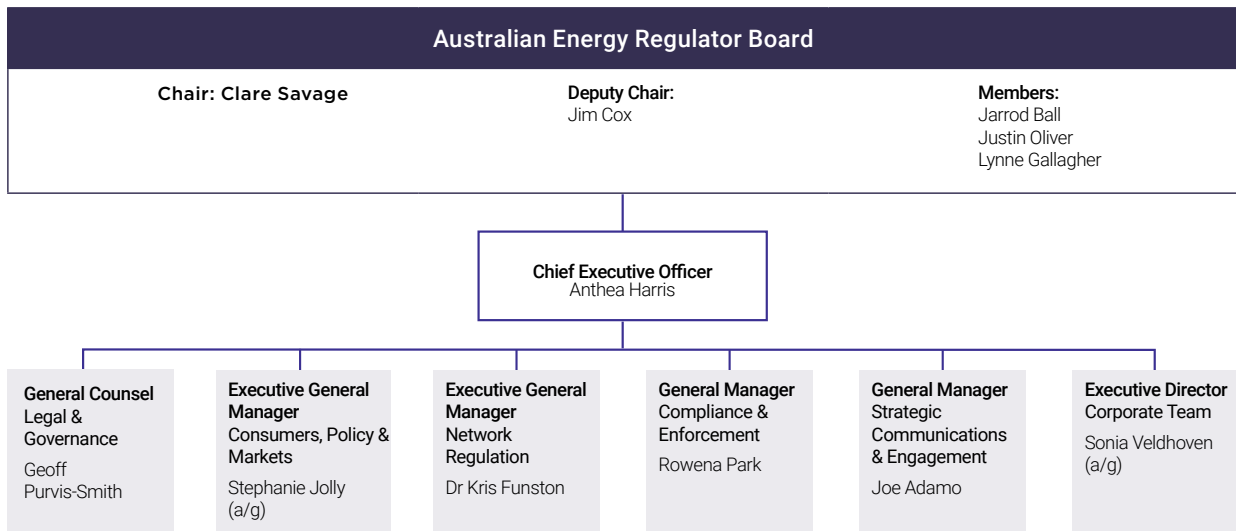
The AER’s organisational design was updated in 2022–23 to include an AER General Counsel.

This organisational design comprises:

- Consumers, Policy & Markets Division
- Network Regulation Division
- Compliance & Enforcement Branch
- Legal and Governance Branch
- Strategic Communications & Engagement Branch
- Corporate Team.

In 2023–24 changes to the Corporate Team will be required as legal separation from the ACCC is implemented.

Figure 8: AER organisational structure



Governance

The AER Board is an independent statutory entity, comprising 5 members: Clare Savage (Chair), Jim Cox (Deputy Chair), Justin Oliver, Jarrod Ball and Lynne Gallagher. They are appointed under Part IIIA of the Competition and Consumer Act, following a process outlined in the Australian Energy Market Agreement.

The Board has 4 core functions:

- provide early guidance and direction for staff/committee work on issues of strategic importance
- make decisions under statutory powers including to initiate proceedings or issue infringement notices
- set high-level strategy, risk appetite and approach to stakeholder engagement
- oversee AER performance.

Board members also contribute to the governance and work of the ACCC. The AER Chair and Deputy Chair are formally members of the ACCC Corporate Governance Board. The AER reports to it twice per year and may do so more regularly in relation to specific matters. Jim Cox and Justin Oliver are members of the ACCC Electricity Markets Inquiry Board and ACCC East Coast Gas Market Board respectively.

The Board is not responsible for the day-to-day management of the AER. This is the responsibility of the AER CEO and senior leadership team. The CEO of the AER reports to the Chair and Deputy Chair of the AER.

The 1 June 2022 Administrative Arrangements Order transferred policy responsibility for the AER from the Treasury portfolio to the Minister for Climate Change and Energy. The AER's funding and people remain in the Treasury portfolio until such time as the AER is formally separated from the ACCC via legislative amendment.

Financial management

Four-year budget estimates for the ACCC and AER are published annually in the Treasury's Portfolio Budget Statements. The following table sets out the AER program's funding (in nominal \$s) for 2023–24 and forward years of the budget estimates.

AER Program 2023–24 to 2026–27 (\$millions)

	2023–24	2024–25	2025–26	2026–27
Annual appropriation (including successful new policy proposals)	90.045	85.855	84.888	84.515

The 2023–24 Budget included \$46.5 million over the forward estimates in New Policy Proposal funding, which will provide us with further support to successfully deliver on our strategic plan.

Successful new policy proposals in 2023–24 (\$millions)

	2023–24	2024–25	2025–26	2026–27	Total
Compliance and Enforcement	3.135	2.676	2.697	2.720	11.228
Energy Made Easy	2.133	1.354	1.364	1.376	6.227
Deregulation through sandboxing	1.361	1.382	1.393	1.405	5.541
Implementing Gas Market Changes	1.243	1.263	1.273	1.284	5.063
Consumer Energy Resources	0.654	0.562	0.567	0.572	2.942
Integrated System Plan Implementation	0.554	0.562	0.567	0.572	2.255
Fully funded AER Board	0.722	0.734	0.740	0.746	2.942
New emissions reduction objective	0.533	0.541	0.545	0.550	2.169
Network reliability and resilience	1.538	1.563	1.267	1.279	5.647
Digital transformation	1.513	0.521	0.525	0.530	3.089
Total	13.384	11.158	10.938	11.034	46.514

The AER program’s annual appropriation supports funding to the AER as a division within the ACCC, as well as providing funding for overheads and corporate support functions (such as HR, Finance, IT and accommodation) which goes to the ACCC.

