

18 April 2024

Rowena Park  
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Australian Energy Regulator  
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Online via: [aercompliance@aer.gov.au](mailto:aercompliance@aer.gov.au)

Dear Rowena,

### **Compliance Procedures and Guidelines review – draft guidelines Submission**

Thank you for the opportunity to comment on the Compliance Procedures and Guidelines review – draft guidelines (Guidelines).

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

We have collectively reviewed the draft Guidelines and endorse in principle the proposed changes to better enable the timely reporting of compliance matters which will help the AER monitor, investigate, and enforce compliance with obligations under the Retail Law and National Energy Retail Rules (Retail Rules).

We particularly welcome the expansion of the Guidelines to include introducing new reporting requirements relating to family violence, presentation of standing offer prices, energisation, as well as retailer and distributor re-energisation obligations.

We acknowledge the AER is proposing to reduce the frequency of some reporting requirements and the removal of some reporting requirement to ensure that compliance reporting is focussed on the highest risk obligations. We support that objective and consider the compliance reporting has an appropriate focus on the highest risk obligations and associated material breach reporting expectations.

Like changes to the AER's Performance Reporting Guidelines, the expansion of reportable metrics and additional indicators will provide meaningful and immediate insights that can assist in identifying compliance issues, appropriate investigation of consumer impacts and support more timely enforcement action.

Introducing a material breach reporting requirement which would require the reporting of any material breach of an obligation under the Retail Law or Retail Rules as soon as reasonably practicable is welcome. We note the AER is attempting to be definitive of obligations and might need to manage situations where one regulated entity thinks an issue is material, while another doesn't. We support encouraging regulated entities to consult with the AER and taking a conservative approach with respect to reporting a material breach.

If you require any further information regarding our submission, please contact Mr Jeremy Inglis, Manager Policy and Research (EWOQ) on [REDACTED], Mr Antony Clarke, Policy and Governance Lead (EWOSA) on [REDACTED], or Dr Rory Campbell, Manager Policy and Systemic Issues (EWON) on [REDACTED].

Yours sincerely



**Janine Young**  
**Energy and Water Ombudsman**  
**New South Wales**



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