

# Guidance note

## Submitting wholesale energy self-reports to the AER

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### Purpose of this guide

The Australian Energy Regulator (AER) is responsible for energy market regulation. This includes ensuring compliance with the National Energy Laws and the respective Rules and Regulations.

In some instances, National Electricity Market and wholesale gas market participants have been submitting voluntary self-reports on non-compliance. These self-reports have been submitted on an ad-hoc basis, and often via multiple channels within the AER.

To streamline this system, we have designed a more standardised self-reporting process to help market participants effectively identify and self-report any potential breaches. It also ensures the relevant information is submitted to the AER, maximises its usefulness, and reduces the likelihood of the AER having to request additional information from the relevant market participant. The standardised process includes the use of a new Wholesale energy self-reporting template. We ask market participants to use this template for all self-reports in the future.

Please note: all information in this guidance note is provided to assist market participants and is not an exhaustive resource that guarantees compliance.

This process only applies to potential breaches relating to the wholesale energy market. Any relevant reported breaches of the National Energy Retail Law or the National Energy Retail Rules should be submitted in accordance with the [AER's Compliance Procedures and Guidelines](#).

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## Making a self-report to the AER

When a market participant suspects any non-compliant conduct has occurred in breach of the National Energy Laws or the respective Rules and Regulations, it should quickly assess the issue.

Where a breach or potential breach is likely to have significant consequences, or has the potential to cause serious harm, the breach should be immediately self-reported to the AER via the wholesale energy self-reporting template. All other instances of non-compliance identified should also be self-reported after the conduct has been identified and assessed.

It is ultimately up to a participant to have appropriate systems in place to identify potential issues of non-compliance and determine whether it needs to be self-reported to the AER.

Examples of conduct that participants should report:

- Failure to follow dispatch instructions given to it by AEMO.
- Failure of a Scheduled/Semi-Scheduled Generator to comply at all times with latest generation dispatch offer.
- Failure to submit accurate information to AEMO.
- Failure of a Generator, Market Participant or transportation facility to keep relevant contemporaneous records.
- Failure to provide up to date facility contact details to AEMO.

When self-reporting a potential breach to the AER, market participants should respond to all the sections of the template and:

- Identify the relevant provision(s) of the energy laws;
- Provide a high-level summary of the potential breach type (e.g. Failure to follow dispatch instructions provided by AEMO); and
- Submit self-reports as soon as possible after identifying the potential breach.

## Relevant factors we will consider in deciding whether and how to respond to a potential non-compliance matter

The AER has published a [Compliance and Enforcement Policy](#) explaining our approach to promoting compliance with obligations under the National Electricity Law, National Gas Law, National Energy Retail Law and the respective Rules and Regulations. It also provides guidance on how we respond to potential breaches and the factors we consider when deciding whether to take enforcement action. The AER has also set [2021-22 Compliance and Enforcement priorities](#).

## Reporting template

Market participants should use the [Wholesale energy self-reporting template](#). This reporting template has been developed to ensure the AER has all the required information to efficiently assess a reported breach. It also encapsulates key elements of reports previously submitted by market participants. Market participants should fill in **TAB 1** of the template. **TAB 2** includes

instructions on how to complete the spreadsheet and guidance on the type of information that should be included in each section.

We request that market participants provide fulsome responses to each row in the self-reporting template.

We are mindful the self-reporting template may not suit all reports and we encourage participants to provide additional documents where necessary.

Market participants are asked to submit a completed self-reporting template, including supporting documents as soon as possible after identifying the potential breach. Please send all reports to [aercompliance@aer.gov.au](mailto:aercompliance@aer.gov.au).

## Confidential or personal information in reports

We recognise that information disclosed by market participants to the AER may be of a confidential or personal nature and not otherwise publicly available.

**It is essential that all confidential or personal information included in any report to the AER is clearly marked so we can ensure it is appropriately protected.**

For information on how we will treat the information provided to us, please see:

- [ACCC and AER information policy: collection and disclosure of information](#) – This policy sets out how the ACCC/AER obtains and uses information (including the use of information obtained for one matter, for another matter) and how and when we may disclose that information outside the ACCC/AER).
- [ACCC/AER privacy policy](#) – This policy sets out how the ACCC and the AER will handle personal information, including providing information on the types of personal information generally collected, and how personal information is collected, used, disclosed and stored.

## AER contacts

If you have any questions in relation to the reporting template or how to report a potential breach, please contact the team at [aercompliance@aer.gov.au](mailto:aercompliance@aer.gov.au).

## Disclaimer

The guidance contained in this document represents suggestions on particular topics to be applied by participants, according to the individual facts and circumstances surrounding specific instances of non-compliance. This guidance does not create binding norms or create parameters to monitor or enforce compliance with the National Energy Rules. This guidance provides information and advice for participants to use when reporting instances of non-compliance to the AER.