



**Ergon Energy Corporation Ltd**

Ring-fencing Guideline Compliance Report

**For the period 1 January 2023 to 31 December 2023**

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## 1. Executive Summary

### 1.1 Introduction

The Australian Energy Regulator (the AER) published the Electricity Distribution Ring-fencing Guideline (the Guideline) on 30 November 2016 under the National Electricity Rules (the NER) with amendments made on 17 October 2017 (version 2) and 3 November 2021 (version 3). The Guideline requires functional separation of regulated and competitive business activities to promote competition in the provision of contestable electricity services.

Under clause 6.2.1c of the Guideline, OCM (O'Connor Marsden & Associates Pty Ltd) has been engaged per the engagement letter between Ergon Energy Corporation Limited (Ergon) and OCM dated 6 February 2024 as the qualified independent authority to provide reasonable assurance that the Ergon Energy Network Annual Ring-fencing Compliance Report (the Compliance Report) has been prepared in compliance with 6.2.1a of the Guideline as evaluated against 6.2.1b of the Guideline, in all material respects, for the periods 1 January 2023 to 31 December 2023 (Version 3 of the Guideline).

### 1.2 Summary of Findings

No exception was identified as a result of the procedures conducted during this review. Details of the procedures undertaken are provided in Section 2 Detailed Findings below.

### 1.3 Rating Applied

The ratings applied to the results of our testing are defined below based on OCM's interpretation of the Guideline. The evaluation of the results of our tests as they relate to the Obligation is based on applying our professional judgement and considering the available facts and circumstances.

No Exception	Requirements of the Obligation have been met with no or only minor improvement opportunities. Any findings noted are considered minor and require routine efforts to correct in the normal course of business.
Exception	The requirements of the Obligation have not been fully met. Findings noted require remedial action.

## Independent Assurance Report to the Directors of Ergon

### Opinion

We have undertaken a reasonable assurance engagement on whether the Compliance Report has been prepared in compliance with 6.2.1a of the Ring-Fencing Guideline - Electricity Distribution (the Guideline) as evaluated against 6.2.1b of the Guideline in all material respects for the period from 1 January 2023 to 31 December 2023 (Version 3 of the Guideline). The Compliance Report will accompany this report, for the purpose of reporting to the Australian Energy Regulator (AER).

In our opinion, the Compliance Report has been prepared in compliance with 6.2.1a of the Guideline as evaluated against 6.2.1b of the Guideline in all material respects for the period from 1 January 2023 to 31 December 2023 (Version 3 of the Guideline)

### Basis for Opinion

We conducted our engagement in accordance with Standard on Assurance Engagements ASAE 3100 Compliance Engagements (ASAE 3100) issued by the Auditing and Assurance Standards Board.

We believe that the evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Responsibilities of the Management of Ergon

Management is responsible for:

- a) Preparing the Ring-fencing Compliance Report that includes the outcome of the evaluation of the compliance activity against the requirements of the Guideline, which accompanies this independent assurance report;
- b) Identifying risks that threaten the 6.2.1b of the Guideline identified above being met;
- c) Identifying suitable compliance requirements in the Guideline as required by the AER; and
- d) Identifying, designing, and implementing controls to enable the requirements of the Guideline to be met and to monitor ongoing compliance.

### Our Independence and Quality Control

We have complied with the independence and other relevant ethical requirements relating to assurance engagements and apply Auditing Standard ASQC 1 Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, Other Assurance Engagements and Related Services Engagements in undertaking this assurance engagement.

### Assurance Practitioner's Responsibilities

Our responsibility is to express an opinion on whether the Compliance Report has been prepared in compliance with 6.2.1a of the Guideline as evaluated against 6.2.1b of the Guideline in all material respects for the period 1 January 2023 to 31 December 2023 (Version 3 of the Guideline). ASAE 3100 requires that we plan and perform our procedures to obtain reasonable assurance about whether the Compliance Report has been prepared in compliance with 6.2.1a of the Guideline as evaluated against 6.2.1b of the Guideline in all material respects for the period from 1 January 2023 to 31 December 2023 (Version 3 of the Guideline).

An assurance engagement to report on the Compliance Report involves performing procedures to obtain evidence about the compliance activity and controls implemented to meet the requirements of the Guideline. The procedures selected depend on our judgement, including the identification and assessment of risks of material misstatement in the Compliance Report, as evaluated against 6.2.1b of the Guideline.

Our procedures included, but were not limited to:

- Inquiring with Ergon staff about measures they have put in place to enable Ergon to comply with the Obligations;
- On a sample basis, inspecting documentation to evidence the measures; and
- Inquiring with management whether they are compliant with the Obligations and corroborating our inquiry with the results of our procedures.

### Inherent Limitations

Because of the inherent limitations of an assurance engagement, together with the internal control structure it is possible that fraud, error, or exception with compliance requirements may occur and not be detected.

A reasonable assurance engagement for the period from 1 January 2023 to 31 December 2023 (Version 3 of the Guideline) does not provide assurance on whether compliance with the Guideline will continue in the future.

### Restricted Use

This report has been prepared for use by the Directors of Ergon for the purpose of meeting the reporting requirements to the AER. We disclaim any assumption of responsibility for any reliance on this report to any person other than Ergon, or for any purpose other than that for which it was prepared. However, we understand that a copy of the report has been requested by the AER. We agree that a copy of the report may be provided to the AER for their information in connection with this purpose but as will be made clear in the report, only on the basis that we accept no duty, responsibility, or liability to any party, other than you, in connection with the report or this engagement.

It is our understanding that the AER may publish a copy of our report on their website. We do not accept responsibility for the electronic presentation of our report on the AER's website. The security and controls over information on the website is not evaluated or addressed by the independent assurance practitioner. The examination of the controls over the electronic presentation of the Ring-fencing Compliance Report on the AER's website is beyond the scope of this engagement.

O'Connor Marsden and Associates Pty Ltd



Catherine Blunt

April 2024, Brisbane

## 2. Detailed Findings

The descriptions of the tests of compliance that were performed, findings relating to the tests of compliance or aspects of the engagement, our recommendations and conclusions of whether there has been a breach of the requirements of the Guideline are described below.

The rating of each Obligation has been applied in accordance with Section 1.3.

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
1	Legal separation	3.1 (a)	A DNSP <b>must be a legal entity.</b>	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>All EQL Group companies have separate ABNs and are registered with ASIC.</li> <li>Ergon Registered Australian Company Number (ACN).</li> </ul> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li><b>DNSP</b> - We performed an ASIC search and ABN Lookup on Ergon Energy Corporation Limited using the ACN 50087646062 (trading name: Ergon Energy).</li> <li><b>Retail</b> - We performed an ASIC search and ABN Lookup on Ergon Energy Queensland Pty Ltd using the ACN 11121177802 (trading name: Ergon Energy Retail).</li> <li>We performed an ASIC search and ABN Lookup on Yurika Pty Ltd using the ACN 19100214131 (trading name: Energy Impact Pty Limited).</li> <li>The ACN number for Ergon Energy verified against distribution license.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
				<ul style="list-style-type: none"> <li>Ergon’s ACN number verified against the Distribution Annual Planning Report 2023, which is found in the Ergon website <a href="https://www.Ergon.com.au/">https://www.Ergon.com.au/</a>.</li> <li>We inspected the Ergon’s website and can confirm that the website segregates between Retail and Network (DNSP). It was explained that Ergon is part of Energy Queensland and that Ergon builds and maintains the electricity distribution network. The website also stated that Ergon is a subsidiary of Energy Queensland providing distribution services.</li> <li>Parent Company - We performed an ASIC search and ABN Lookup on Energy Queensland Limited ABN 96 612 535 583 (Energy Queensland/EQL).</li> </ul>			
2	Legal separation	3.1 (b)	A DNSP may provide distribution services and transmission services but <b>must not provide other services.</b>	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>Ergon Constitution.</li> <li>Board paper templates include means for identifying ring-fenced papers.</li> <li>A separate affiliated entity Yurika was established to perform “other services” outside distribution and transmission services which are performed by Ergon.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No Exception



No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
				<p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>• We inspected Ergon’s Constitution.</li> <li>• We inspected Board papers across the period to determine whether ring-fencing related meeting content was flagged appropriately.</li> <li>• From the population of feedback cases received within the period, we selected a sample to determine if the feedback cases were received on the basis Ergon has not provided contestable services to customers.</li> <li>• From a population of legal agreements between Ergon and service providers, we obtained a sample to determine whether the ring-fencing requirements for service providers had been included and agreements have been signed.</li> </ul>			
3	Separate accounts	3.2.1 (a)	A DNSP <b>must establish and maintain appropriate internal accounting procedures</b> to ensure that it can demonstrate the extent and nature of transactions between the DNSP and its affiliated entities.	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>• Cost Allocation Methodology (CAM) continues to incorporate ring-fencing requirements.</li> <li>• Monthly variance analysis conducted.</li> <li>• Monthly journal transfers and reconciliation process. A monthly review of general ledger accounts is performed by the Financial Controller to confirm that no</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
				<p>breaches in this requirement have occurred. A report of variances is produced monthly.</p> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>We inspected the CAM to determine whether it addresses the allocation of costs between distribution services and non-distribution services.</li> <li>From the population of monthly reconciliation reports, we selected a sample to determine whether transactions were treated in accordance with the CAM and not in conflict with Guideline requirements.</li> <li>We inspected the Ergon Energy and Energex Cost Allocation Method Version 1.b Date of Commencement 1 January 2022 located on the Ergon website (<a href="#">Cost Allocation Method - Ergon Energy</a>) to ensure it complies with the CAG (Cost Allocation Guideline).</li> </ul>			
4	Cost allocation and attribution	3.2.2 (a), (b)	<p>A DNSP <b>must allocate or attribute costs to distribution services:</b></p> <ul style="list-style-type: none"> <li>- in a manner that is <b>consistent with the Cost Allocation Principles and its approved CAM</b>, as if the Cost Allocation Principles and CAM otherwise applied to the allocation and</li> </ul>	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>CAM continues to incorporate ring-fencing requirements.</li> <li>Monthly variance analysis conducted.</li> <li>Monthly reconciliation of budget vs actual.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
			attribution of costs between distribution services and non-distribution services. - and must not allocate or <b>attribute other costs to the distribution services</b> it provides.	<ul style="list-style-type: none"> <li>A separate affiliated entity Yurika was established to perform “other services” outside distribution and transmission services which are performed by Ergon.</li> </ul> <b>Tests Performed:</b> <ul style="list-style-type: none"> <li>We inspected the CAM to determine whether it addresses the allocation of costs between distribution services and non-distribution services.</li> <li>From the population of monthly reconciliation reports, we selected a sample to determine whether transactions were treated in accordance with the CAM and not in conflict with Guideline requirements.</li> <li>From the population of feedback cases received within the period, we selected a sample to determine if the feedback cases were received on the basis Ergon or the EQL Group has not provided contestable services to customers.</li> </ul>			
5	Cost allocation and attribution	3.2.2 (c)	A DNSP <b>must establish, maintain and keep records</b> that demonstrate how it meets cost allocation and attribution Obligations.	<b>Measure(s):</b> <ul style="list-style-type: none"> <li>CAM continues to incorporate ring-fencing requirements.</li> <li>Monthly variance analysis conducted.</li> <li>Monthly reconciliation of budget vs actual.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
				<p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>We inspected the CAM to determine that it addresses the allocation of costs between distribution services and non-distribution services.</li> <li>From the population of monthly reconciliation reports, we selected a sample to determine whether transactions were treated in accordance with the CAM and not in conflict with Guideline requirements.</li> </ul>			
6	Obligation not to discriminate	4.1(b)	<p><b>A DNSP must not discriminate (either directly or indirectly) between a related electricity service provider and a competitor</b> (or potential competitor) of a related electricity service provider in connection with the provision of:</p> <ul style="list-style-type: none"> <li>i. <b>direct control services by the DNSP</b> (whether to itself or to any other legal entity); and / or</li> <li>ii. <b>contestable electricity services</b> by any other legal entity.</li> </ul>	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>Staff are located in offices based on their role and ring-fencing physical separation requirements. Ring-fencing physical separation is based on DNSP/Responsible Electricity Service Provider (RESP) role.</li> <li>Call Quality Evaluations.</li> <li>EQL ring-fencing training material.</li> <li>Contract templates are ring-fencing compliant.</li> </ul> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>We inspected the office and accommodation arrangements to determine whether: <ul style="list-style-type: none"> <li>o Ergon offices or accommodation are</li> </ul> </li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
				<p>separate from its affiliate (or appropriate);</p> <ul style="list-style-type: none"> <li>○ segregation is in place using electronic access controls); and</li> <li>○ Secure floors and offices have been identified.</li> </ul> <ul style="list-style-type: none"> <li>• From the population of procurement contracts executed during the period, we selected a sample to determine whether ring-fencing requirements for service providers have been included (where appropriate); and agreements have been signed and executed.</li> <li>• From the population of call quality evaluations, we selected a sample to determine whether the evaluations assessed for discriminatory behaviour between a related electricity service provider and a competitor.</li> <li>• We inspected the EQL Business Procurement Rules document which has a specific section on ring-fencing. Procurements over \$500k go through the tender process: Queensland government tender website QTender.</li> <li>• We inspected the EQL ring-fencing training material to determine whether it outlined that Ergon</li> </ul>			

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
				cannot discriminate (either directly or indirectly) between a related electricity service provider and a competitor.			
7	Offices, staff, branding and promotions	4.2.1(a)	A DNSP <b>must use offices that are separate from any offices from which a related electricity service provider</b> provides contestable electricity services.	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>• Individual office security arrangements are based on type of offices (RESP only, DNSP only, mixed DNSP/RESP, regional).</li> <li>• Staff re-located based on roles – DNSP / Corporate / RESP.</li> </ul> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>• We inspected the office and accommodation arrangements to determine whether:               <ul style="list-style-type: none"> <li>○ Ergon offices are separate from its affiliate (or appropriate segregation is in place using electronic access controls); and</li> <li>○ Secure floors and offices have been identified.</li> </ul> </li> <li>• For the staff seconded over the period we inspected their physical access records across Ergon and the affiliate offices to determine whether they were restricted from entering secure floors or offices across Ergon’s offices whilst on secondment at the affiliate.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
8	Staff sharing	4.2.2(a)	A DNSP <b>must ensure that its staff involved in the provision or marketing of direct control services</b> are not also involved in the provision or marketing of contestable electricity services by a related electricity service provider.	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>• EQL employee induction and training material includes ring-fencing awareness requirements.</li> <li>• All role descriptions updated to ensure description does not include a requirement to undertake both RESP and DNSP activities.</li> </ul> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>• We inspected the training material to determine whether it includes the obligation for a DNSP not to discriminate between a related electricity service provider and a competitor.</li> <li>• We inspected a sample of Ergon role descriptions to determine whether their role did not require them to undertake both RESP and DNSP activities.</li> </ul>	Based on the training register provided - Ergon training completion is 99.85 % (6 employees are overdue).	There are no recommendations.	No exception
9	Staff sharing	4.2.2(c)	The remuneration, incentives and other benefits (financial or otherwise) a DNSP provides to a member of its staff <b>must not give the member of staff an incentive to act in manner that is contrary to the DNSP's Obligations</b> under this Guideline.	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>• Performance Framework User Guide.</li> <li>• Remuneration template is ring-fencing compliant based on staff position.</li> </ul> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>• We inspected the Official Performance Framework User</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
				<p>Guide to confirm that Leaders were not incentivised for growth in revenue for an unregulated service.</p> <ul style="list-style-type: none"> <li>We inspected the program in place to oversee the allocation of KPIs across both Ergon and their affiliated entity to determine whether Ergon staff were not incentivised to refer opportunity to their affiliated entities.</li> <li>We inspected a populated incentive template of a EQL staff member to determine whether their incentives were contrary to the DNSPs obligations.</li> <li>From the population of staff, we obtained a sample to test whether they were their performance measures provided incentive to act in manner that is contrary to the DNSP's obligations.</li> </ul>			
10	Branding and cross-promotion	4.2.3(a)	<p>A DNSP: i. <b>must use branding for its direct control services</b> that is independent and separate from the branding used by a related electricity service provider for contestable electricity services, such that a reasonable person would not infer from the respective branding that the DNSP and</p>	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>Ring-fencing training.</li> <li>Ring-fencing training register.</li> <li>DNSP/RESP fleet follow approved ring-fencing brand guidelines.</li> <li>Contract templates have been updated to reflect ring-fencing requirements where applicable.</li> <li>EQL email signature guidelines are in available on the EQL Brand</li> </ul>	<p>Based on the training register provided - Ergon training completion is 99.85 % (6 employees are overdue).</p>	<p>There are no recommendations.</p>	<p>No exception</p>



No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
			<p>the related electricity service provider are related.</p> <p>ii. <b>Must not advertise or promote its direct control services and its contestable electricity services</b> that are not direct control services together (including by way of cross- advertisement or cross-promotion).</p> <p>iii. <b>must not advertise or promote contestable electricity services</b> provided by a related electricity service provider other than the DNSP itself.</p>	<p>Centre.</p> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>• We inspected training material to determine whether it outlined the branding and marketing requirements as per the Guideline.</li> <li>• We inspected Ergon’s website to determine there are no contestable electricity services being promoted or referenced on the website.</li> <li>• We inspected EQL’s Brand Guidelines for ring-fencing specific treatment of branding to determine whether Ergon promote the branding of their affiliates and included consideration of fleet.</li> <li>• We inspected Schedule 6 – Ring-fencing Requirements for Service Providers to determine whether Ergon promote their affiliates.</li> <li>• From the population of the Customer Feedback register, we selected a sample of feedback items received (via the Ombudsman and Ergon directly) over the audit period to determine whether their customers expressed confusion over the brands when provided with service from Ergon staff.</li> <li>• We inspected the EQL email</li> </ul>			

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
				signature guidelines to determine whether DNSP staff signatures: <ul style="list-style-type: none"> <li>○ Are independent of branding used by RESP;</li> <li>○ Do not advertise or promote its direct control services and its contestable electricity services; and</li> <li>○ Do not advertise or promote contestable electricity services.</li> </ul>			
11	Office and staff registers	4.2.4 (a), (b)	(a) A DNSP <b>must establish, maintain, and keep a register</b> that identifies: <ul style="list-style-type: none"> <li>(i) the <b>offices</b> to which it has <b>not</b> applied; and</li> <li>(ii) the <b>staff positions (including a description of the roles, functions, and duties)</b> of those staff positions.</li> <li>(iii) the staff positions which are held, or have been held within the previous 3 months, by a member of staff whose access to electricity information ceased upon, or in the 12 months prior to, commencing in that position, and the dates on which that member of staff</li> </ul>	<b>Measure(s):</b> <ul style="list-style-type: none"> <li>• Staff sharing registers available on the Ergon website – <a href="#">Ergon-Energy-Staff-Sharing-Register</a>.</li> <li>• Register updated as required.</li> <li>• Staff sharing quick reference matrix available and easy to access on the EQL intranet.</li> <li>• Staff system access records.</li> </ul> <b>Tests Performed:</b> <ul style="list-style-type: none"> <li>• We conducted a search for the registers on the Ergon customer-facing website to determine whether they were in place. Staff Sharing Register found on Ergon website is Version 13 as at 07/02/2024. Quarterly reporting dates are stated on the “register 15 Jan, 15 April, 15 July, 15 Oct – though can be updated more</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
			<p>commenced to hold and (if applicable) ceased to hold that position.</p> <p>(b) No later than 15 January, 15 April, 15 July and 15 October each year, a DNSP must publish, on its website, an updated version of each of the registers referred. The DNSP must ensure that the information published in each updated version is current to the end of the calendar month that is immediately prior to the required publication date for that updated version.</p>	<p>frequently if required.”</p> <ul style="list-style-type: none"> <li>• Office Sharing Register found on Ergon’s website is Version 11 as at 10/01/2024.</li> <li>• We inspected the registers to determine information that identified:               <ul style="list-style-type: none"> <li>○ The classes of offices to which it has not applied; and</li> <li>○ The nature of the positions (including a description of the roles, functions, and duties) of its members of staff.</li> </ul> </li> <li>• We inspected the staff sharing quick reference matrix and the clarity of instructions provided to determine whether a staff member working for the DNSP can be shared with the affiliate.</li> <li>• For the staff seconded over the period we inspected their system access records across Ergon and the affiliate to determine whether they were accessing secure and contestable electricity information across Ergon whilst on secondment at the affiliate.</li> </ul>			

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
12	Protection of ring-fenced information	4.3.1 (a) (b)	<p>A DNSP must:</p> <p>(a) <b>keep ring-fenced information confidential. Only use ring-fenced information for the purpose for which it was acquired or generated</b></p>	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>All commonly used SharePoint sites have been assessed to determine if they should be ring-fenced and action taken to remove RESP access where required and testing of access conducted.</li> <li>Procedures put in place requiring ring-fencing assessment of new SharePoint sites.</li> <li>Document containing information sources assessed to determine ring-fencing status and RESP access removed where required.</li> </ul> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>We inspected the procedures required to be followed for ring-fencing assessment of a sample of new SharePoint sites to determine whether it addressed Guideline requirements regarding the treatment of confidential information.</li> <li>From the population of information sources, we tested whether all staff seconded, and affiliate staff accessed secure information when not permitted.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
13	Disclosure of information	4.3.2 (a)-(i)	<p>A DNSP <b>must not disclose confidential electricity information to any person</b>, including a related electricity service provider, unless:</p> <p>(a) the DNSP has first <b>obtained the explicit informed consent</b> of the relevant customer, or prospective customer, to whom the confidential information relates.</p> <p>(b) the <b>disclosure is required by</b>, or for the purpose of complying with <b>any law</b>.</p> <p>(c) the <b>disclosure is necessary to enable the DNSP to provide its distribution services</b>, its transmission services, or its other services (including by acquiring services from other legal entities).</p> <p>(d) the <b>information has been requested by or on behalf of a customer</b>, or potential customer, of another legal entity, and the disclosure is necessary to enable the legal entity to provide its transmission services, contestable electricity services or other services to the customer or potential customer.</p> <p>(e) the <b>disclosure is solely for the purpose of providing</b></p>	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>All commonly used SharePoint sites have been assessed to determine if they should be ring-fenced and action taken to remove RESP access where required and testing of access conducted.</li> <li>Procedures put in place requiring ring-fencing assessment of new SharePoint sites.</li> <li>Document containing information sources assessed to determine ring-fencing status and RESP access removed where required.</li> <li>Monthly review of IT user access to monitor any inappropriate access to systems for Ergon staff.</li> <li>Information sharing protocol.</li> </ul> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>We inspected the procedures required to be followed for ring-fencing assessment of a sample of new SharePoint sites to determine whether it addressed Guideline requirements regarding the treatment of confidential information.</li> <li>From the information sources population, we tested whether all staff seconded, and affiliate staff accessed secure information when not permitted.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
			<p><b>assistance to another Network Service Provider</b> in response to an event (such as an emergency) that is beyond the other Network Service Provider’s reasonable control.</p> <p>(f) the <b>disclosure is solely for the purposes of research by a legal entity</b> other than a related electricity service provider of the DNSP.</p> <p>(g) where another DNSP is an affiliated entity of the DNSP, the disclosure is to the part of that other DNSP that provides that other DNSP’s direct control services.</p> <p>(h) a related electricity service provider of the DNSP has requested the disclosure and the DNSP complies with clause 4.3.3 in relation to that ring-fenced information; or</p> <p>(i) another legal entity, other than a related electricity service provider of the DNSP has requested the disclosure.</p>	<ul style="list-style-type: none"> <li>We obtained an IT user access listing for all Ergon systems that contain confidential information and compared to listing of Yurika employees to determine whether there is any inappropriate access.</li> <li>We have reviewed the information sharing protocol for consistency with the requirements of the Guideline.</li> </ul>			
14	Information register	4.3.4 (a) - (c)	<p>(a) A DNSP <b>must establish, maintain and keep a register</b> of all:</p> <p>i. related electricity service providers.</p> <p>ii. other legal entities who provide contestable electricity</p>	<p><b>Measure (s):</b></p> <ul style="list-style-type: none"> <li>Information Sharing Register available on the Ergon website - <a href="#">Ergon Information Sharing Register</a>.</li> <li>Information Request Form.</li> </ul> <p><b>Tests Performed:</b></p>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
			<p>services but who are not affiliates of the DNSP; who request access to information identified in clause 4.3.4(a) and must make the register publicly available on its website.</p> <p>(b) For each related electricity service provider or other legal entity that has requested that a DNSP provide access to information identified in clause 4.3.4(a), the DNSP's information register must:</p> <p>i. identify the kind of information requested by the legal entity; and</p> <p>ii. describe the kind of information requested by the legal entity in sufficient detail to enable other legal entities to make an informed decision about whether to request that kind of information from the DNSP.</p> <p>(c) <b>A legal entity may request that the DNSP</b> include it on the information register in relation to some or all of the kinds of information that the DNSP is required to provide under clause 4.3.4(a), and the DNSP must comply with that request.</p>	<ul style="list-style-type: none"> <li>• We inspected the Information Sharing Register to determine whether:               <ul style="list-style-type: none"> <li>○ It was in place and that information disclosure is accurate and reflects recent information sharing;</li> <li>○ It is designed to meet the requirements of the Guideline;</li> <li>○ It is publicly available on the Ergon website; and</li> <li>○ It disclosed staff shared or seconded over the period.</li> </ul> </li> <li>• We inspected the Information Sharing Protocol to determine whether it sets out how and when it will make confidential information available to RESPs and other legal entities on an equal basis.</li> <li>• We inspected Ergon's customer-facing website to determine whether its Information Register was available for download.</li> </ul>			

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
15	Conduct of service providers	4.4.1 (a)	<p>A DNSP: (a) <b>must ensure that any new or varied agreement between the DNSP and a service provider, for the provision of services to the DNSP that enable or assist the DNSP to supply direct control services, requires the service provider to comply, in providing those services, with:</b></p> <p>i. clauses 4.1, 4.2.1, 4.2.2 and 4.3.2 of this Guideline; and</p> <p>ii. clause 4.2.3 of this Guideline in relation to the brands of the DNSP; as if the service provider was the DNSP.</p>	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>Mandatory ring-fencing requirements are included in all service provider agreements - Schedule 6 – Ring-fencing Requirements for Service Providers.</li> <li>Contract templates have been updated to reflect ring-fencing requirements where applicable.</li> <li>Contracts register.</li> </ul> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>We inspected “Schedule 6 – Ring-fencing Requirements for Service Providers” to determine whether it contained clauses or statements that provide direction to service providers of Ergon and its related bodies corporate on the obligations under the ring-fencing Guideline that it must comply with under the terms of the Contract.</li> <li>From the population of Ergon’s procurement contracts, we selected a sample of procurement contracts executed during the period to determine whether the ring-fencing requirements for service providers have been included (where appropriate) and determined whether the</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception



No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
				agreements have been signed and executed.			
16	Conduct of service providers	4.4.1 (b)	A DNSP: (b) <b>must not, directly or indirectly, encourage or incentivise</b> a service provider to engage in conduct which, if the DNSP engaged in the conduct itself, would be contrary to the DNSP's Obligations.	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>Schedule 6 – Ring-fencing Requirements for Service Providers.</li> <li>Contract templates have been updated to reflect ring-fencing requirements where applicable.</li> </ul> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>We inspected “Schedule 6 – Ring-fencing Requirements for Service Providers” to determine whether it contained clauses or statements that provide direction to service providers of Ergon and its related bodies corporate on the obligations under the Guideline that it must comply with under the terms of the Contract.</li> <li>From the population of Ergon’s procurement contracts, we selected a sample of procurement contracts executed during the period to determine whether the ring-fencing requirements for service providers have been included (where appropriate) and determined whether the agreements have been signed and executed.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
17	The AER will not grant a waiver of an Obligation under this Guideline other than in accordance with this clause 5	5.2 (a) - (h)	<p>A DNSP <b>may apply in writing to the AER for a waiver</b>. An application for a waiver must contain all information and materials necessary to support the DNSP's application, including:</p> <p>(a) the <b>Obligation in respect</b> of which the DNSP is applying for a waiver.</p> <p>(b) the <b>reasons why</b> the DNSP is applying for the waiver.</p> <p>(c) <b>details of the service, or services</b>, in relation to which the DNSP is applying for the waiver.</p> <p>(d) the <b>proposed commencement date and expiry date</b> (if any) of the waiver and the reasons for those dates.</p> <p>(e) <b>details of the costs associated with the DNSP</b> complying with the Obligation if the waiver of the Obligation were refused.</p> <p>(f) the <b>regulatory control period(s)</b> to which the waiver would apply.</p> <p>(g) any <b>additional measures the DNSP proposes to undertake</b> if the waiver were granted; and</p> <p>(h) the <b>reasons why the DNSP considers the waiver should be granted</b> with reference to</p>	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>Waiver Register created and available on Ergon customer-facing website - <a href="#">Ergon Energy Waiver Register</a>.</li> </ul> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>We performed a search of Ergon's customer-facing website to determine whether a Waiver Register is publicly available.</li> <li>We inspected a sample of applications in the Waiver Register for information relating to and supporting Clauses (a) to (h).</li> <li>We cross-checked the details contained on the Waiver Register against the waiver decisions published on the AER website.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
			the matters specified in clause 5.3.2(a), including the benefits, or likely benefits, of the grant of the waiver to electricity consumers. 5.3A Class Waivers 5.3A.1 Initiation and consideration of a class waiver 5.3A.2 The AER's assessment of a class waiver				
18	Waiver register	5.7 (a)	A DNSP <b>must establish, maintain and keep a register of all waivers</b> (including any variation of a waiver) and must make the register publicly available on its website.	<b>Measure(s):</b> <ul style="list-style-type: none"> <li>Waiver Register created and available on Ergon customer-facing website - <a href="#">Ergon Energy Waiver Register</a>.</li> </ul> <b>Tests Performed:</b> <ul style="list-style-type: none"> <li>We performed a search of Ergon's customer-facing website to determine whether a Waiver Register is publicly available.</li> <li>We cross-checked the details contained on the waiver register against the Waiver Decisions published on the AER website.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception
19	Waiver register	5.7 (b)	The register established under clause 5.7(a) <b>must include:</b> <b>i. the description of the conduct</b> to which the waiver or interim waiver applies; and <b>ii. the terms and conditions of the waiver or interim waiver;</b> as set out in the AER's written decision, provided by the AER	<b>Measure(s):</b> <ul style="list-style-type: none"> <li>Waiver Register created and available on Ergon customer-facing website - <a href="#">Ergon Energy Waiver Register</a>.</li> </ul> <b>Tests Performed:</b> <ul style="list-style-type: none"> <li>We performed a search of Ergon's customer-facing website to</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
			to the DNSP, to grant (or vary) the waiver or interim waiver.	<p>determine whether a Waiver Register is publicly available.</p> <ul style="list-style-type: none"> <li>We inspected the applications in the Waiver Register for information relating to and supporting Clauses (a) to (h).</li> <li>We cross-checked the details contained on the Waiver Register against the waiver decisions published on the AER website, (including checking the accuracy of battery waiver applications.)</li> </ul>			
20	Maintaining compliance	6.1	A DNSP <b>must establish and maintain appropriate internal procedures to ensure it complies with its Obligations under this Guideline.</b>	<ul style="list-style-type: none"> <li><b>Measure(s):</b> Ring-fencing training added to annual EQL Group compliance training requirements.</li> <li>Confidential Information Policy includes ring-fencing obligations.</li> <li>Ring-fencing Breach Register is created, maintained and updated.</li> <li>A dedicated ring-fencing email address and an IT service request (via the ServiceNow portal) are available for all staff to request clarification/advice on ring-fencing issues.</li> </ul> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>We inspected the Confidential Information Policy to determine EQL Groups approach to the management and handling of Confidential Information.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
				<ul style="list-style-type: none"> <li>• We inspected a copy of the Ring-fencing Breach Register to determine whether reportable breaches were classified as follows:               <ul style="list-style-type: none"> <li>○ Date of the breach;</li> <li>○ Reportable date of the breach;</li> <li>○ The nature and cause of the breach;</li> <li>○ Impacts of the breach, and; and</li> <li>○ Remediation activities to address the breach.</li> </ul> </li> <li>• We inspected a copy of the Reporting Potential Ring-fencing Breaches Guidance for Energy Queensland staff to determine whether it provides guidance for EQL staff on how to identify, and escalate for investigation, potential breaches of the Guideline.</li> <li>• From the population of ring-fencing business enquiries, we inspected a sample of queries lodged through the ServiceNow portal, and of emails sent to the dedicated ring-fencing email address to determine the types of enquiries made by employees and the responses provided to employees to support maintaining compliance with the obligations.</li> </ul>			

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
				<ul style="list-style-type: none"> <li>From the population of Ergon’s complaints, we selected a sample to determine whether potential ring-fencing reportable/missed breaches were contained in the register.</li> </ul>			
21	Annual compliance report	6.2.1 (a), (b) (c)	<p>A DNSP must prepare an <b>annual ring- fencing compliance report each calendar year.</b></p> <p><b>The annual compliance report must identify and describe,</b> in respect of the regulatory year to which the report relates:</p> <ul style="list-style-type: none"> <li>i. <b>the measures the DNSP has taken</b> to ensure compliance with its Obligations under this Guideline.</li> <li>ii. <b>any breaches of this Guideline by the DNSP,</b> or which otherwise relate to the DNSP; and</li> <li>iii. <b>all other services provided by the DNSP</b> in accordance with clause 3.1; and</li> <li>iv. <b>the purpose of all transactions between the DNSP and an affiliated entity.</b></li> </ul> <p><b>The annual compliance report must be accompanied by an assessment of compliance</b> by a</p>	<p><b>Measure(s):</b></p> <ul style="list-style-type: none"> <li>Ergon Energy Network Annual Ring-fencing Compliance Report 2023.</li> <li>Ergon Energy Network Annual Ring-fencing Compliance Report 2021/22 expectations.</li> <li>Ring-fencing Breach Register is created, maintained, and updated.</li> </ul> <p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>We inspected a copy of the Ergon Energy Network Annual Ring-fencing Compliance Report 2023 to determine it addresses points (i) to (iv) of the obligation and that the disclosures are consistent with our expectation based on the reasonable assurance procedures performed.</li> <li>We inspected the Ergon Energy Network Annual Ring-fencing Compliance Report 2021/22 to determine whether all open exceptions were addressed in the audit period.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
			suitably qualified independent authority.	<ul style="list-style-type: none"> <li>• We inspected a copy of Ergon’s Ring-fencing Breach Register to determine reportable breaches were classified as follows:               <ul style="list-style-type: none"> <li>○ Date of the breach;</li> <li>○ Reportable date of the breach;</li> <li>○ The nature and cause of the breach;</li> <li>○ Impacts of the breach; and</li> <li>○ Remediation activities to address the breach.</li> </ul> </li> <li>• We inspected Ergon’s ring-fencing issue notification and assessment process and Ring-fencing Breach Reporting Protocol to determine its suitability for supporting employees with maintaining compliance with the obligations and reporting breaches within 15 business days.</li> </ul>			
22	Compliance breaches	6.3	A DNSP must <b>notify the AER in writing within 15 (fifteen) business days of becoming aware of a breach of its Obligations</b> under this Guideline.	<b>Measure(s):</b> <ul style="list-style-type: none"> <li>• Ring-fencing Breach Register is created, maintained and updated.</li> <li>• Breach notification and reporting procedure in place.</li> <li>• Customer feedback and Ombudsman enquiry.</li> <li>• Ring-fencing breach reporting protocol.</li> </ul>	Based on the testing performed we have not identified any matters of exception.	There are no recommendations.	No exception

No.	Category	Ref.	Guideline Obligation	Measures and Testing	Results of Testing	Recommendation	Rating
				<p><b>Tests Performed:</b></p> <ul style="list-style-type: none"> <li>• We inspected a copy of Ergon’s Ring-fencing Breach Register for reportable breaches and identification of the reporting date of the breaches being within the acceptable mandated window to determine whether breaches and/or near misses were captured during the period.</li> <li>• We inspected the Breach Notification and Reporting Procedures to determine its suitability for supporting employees with maintaining compliance with the obligations and ensuring breaches are reported within 15 days.</li> <li>• We inspected compliance breaches during the period against feedback received by customers via the call centre and Ombudsman to determine whether ring-fencing breaches were considered and subsequently reported in accordance with the Guideline.</li> </ul>			