

Annual compliance and enforcement report

2022–23

July 2023

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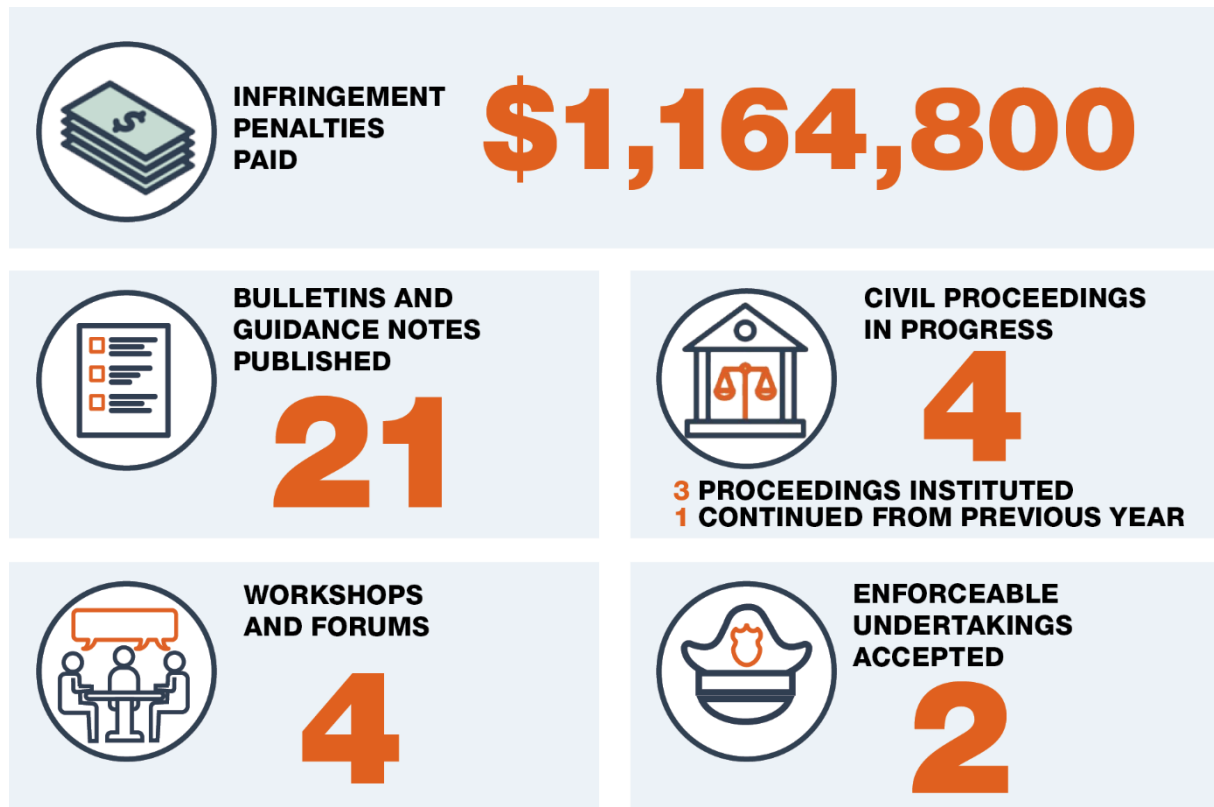
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Contents

Executive summary	1
1 About us	4
2 Compliance and enforcement priorities for 2022–23 and related outcomes	6
2.1 Effective identification of residential consumers in financial difficulty and offer of payment plans that have regard to the consumer’s capacity to pay	6
2.2 Improve outcomes for consumers in embedded networks, including by access to ombudsman schemes	7
2.3 Focusing on registered generators’ compliance with offers, dispatch instructions, obligations relating to bidding behaviour and providing accurate and timely capability information to AEMO	8
2.4 Ensure service providers meet information disclosure obligations under Part 23 of the National Gas Rules.....	11
2.5 Ensure timely and accurate gas auction reporting and demand forecasting in downstream wholesale gas markets by registered participants	13
3 Other compliance and enforcement activities in 2022–23	16
3.1 Compliance and enforcement work supporting consumers	16
3.2 Wholesale electricity	18
3.3 Generator performance standards	19
3.4 Gas.....	20
3.5 Ring-fencing compliance of electricity distributors.....	21
3.6 Market interventions	23
4 Compliance and enforcement priorities 2023–24	24
Appendix A Summary of compliance and enforcement activities in 2022–23	25
Glossary and abbreviations	28

Executive summary



This year's annual report is published 12 months after the significant market events of June 2022. What has followed is a year of challenges, volatility and the heightening of energy affordability as a key issue for Australian consumers. In this environment, it is more important than ever that the AER remains focused on ensuring a secure, reliable and affordable energy future for all Australians.

The AER responded immediately to the market events of June 2022 by conducting an in-depth investigation into the circumstances that led to AEMO suspending the market. The AER's report on its investigation, published in December 2022, found that the behaviour of several generators had resulted in poor market outcomes. By withdrawing capacity from the market, several generators had engaged in conduct that significantly contributed to circumstances where AEMO, to mitigate the risk of blackouts, had to issue urgent directions to get supply into the market. While the report found that the current energy rules do not oblige generators to offer available capacity, it raised several reform options that may tighten this aspect of the relevant legislation, to ensure generators continue to generate during times of system stress.

With significant increases in the cost of living and energy affordability being a key issue for Australian consumers, the AER is focused on ensuring that **consumers experiencing vulnerability (including financial difficulty)** are afforded the relevant protections under the National Energy Retail Law and Rules. The AER:

- instituted proceedings against subsidiaries of AGL Energy for a failure to comply with overcharging obligations related to Centrepay payments

- received payment of \$67,800 for one infringement notice issued to CovaU and a court enforceable undertaking for alleged failure to present the prices for its standing offers (also known as standard contracts) on its website
- issued an interim guidance note on new family violence protections
- received payment for 3 infringement notices issued to Aurora Energy for alleged breaches of life support obligations
- released a joint compliance bulletin with the ACCC to remind retailers of their obligations around communicating pricing changes to their customers.

As the energy sector continues to undergo a major transition, the AER remains focused on monitoring compliance **to ensure a secure and reliable energy supply**. In 2022–23, the AER:

- instituted proceedings against subsidiaries of AGL Energy for alleged breaches of obligations relating to the provisions of contingency frequency control ancillary services (FCAS)
- released the findings of its investigation into the market events that led to the suspension of the National Electricity Market (NEM) in June 2022
- received payment of \$263,400 for 6 infringement notices issued to Stanwell for alleged application of protection setting to 3 of its generating units at Stanwell Power Station since 2017 without prior written approval from AEMO and for failing to ensure those units met the required generator performance standards for voltage disturbances
- accepted a court enforceable undertaking from 5 AGL-related entities for non-compliance with Generator Performance Standards at the Broken Hill Solar Plant
- updated the *Contingency FCAS Compliance Bulletin*, which outlines the AER's expectations for electricity market participants about compliance with a number of critical obligations relating to contingency FCAS under the Electricity Rules
- published final *Reliability Compliance Procedures and Guidelines* to support the Retailer Reliability Obligation (RRO) mechanism and reliability in the NEM
- issued guidance notes for NSW coal mines and power stations to comply with coal market price emergency directions.

The AER's compliance and enforcement functions are also key to ensuring that Australia's **gas markets operate efficiently and competitively**. In 2022–23, the AER:

- instituted proceedings against 4 Jemena subsidiaries for alleged large-scale breaches of their obligations surrounding the natural gas Day Ahead Auction (DAA) of pipeline capacity
- received payment from EnergyAustralia and Incitec Pivot totalling \$630,200 for 10 infringement notices issued by the AER for alleged breaches of the National Gas Rules related to gas demand forecasting in short-term trading markets
- published the *Gas markets demand forecasting compliance bulletin*, which outlines the AER's expectations regarding compliance with demand forecasting obligations under the National Gas Rules

- published 3 gas compliance bulletins to support gas market transparency reforms, which related to registration, the approach to expanded reporting requirements, and reserves and resources reporting by gas field owners.

The AER has released its **compliance and enforcement priorities for 2023–24**, which include some substantial changes from our previous priorities in light of changes in market and environmental conditions. The new priorities are:

- Improve outcomes for customers experiencing vulnerability, including by improving access to retailer hardship and payment plan protections.
- Make it easier for consumers to understand their plan and engage in the market by focusing on compliance with billing and pricing information obligations including the Better Bills Guideline.
- Support power system security and an efficient wholesale electricity market by focusing on generators' compliance with offers, dispatch instructions, bidding behaviour obligations and providing accurate and timely capability information to [AEMO](#).
- Improve market participants' compliance with performance standards and standards for critical infrastructure.
- Clarify obligations and monitor compliance with reporting requirements under the new Gas Market Transparency Measures.

In addition, we will continue to act where there are serious issues impacting consumers experiencing vulnerability, including life support customers and consumers affected by family violence. We will also continue to act to help shape new or emerging markets and to implement new guidance. In addition, we will continue to progress important ongoing work in areas previously identified as priority areas.

Compliance with national energy laws gives consumers and energy market participants confidence that energy markets are working effectively and in their long-term interests, so that they can participate in market opportunities as fully as possible while remaining protected from harms. Compliance and enforcement outcomes remain one of the key tools in the AER's regulatory toolkit, which are deployed to ensure that energy consumers are better off, now and in the future.

1 About us

The AER is Australia’s national energy regulator. Our jurisdiction covers a number of sectors of the national energy market, including:

- the relationships energy retailers and distributors have with their customers in competitive retail markets, and those of alternative energy providers operating under retail and network exemptions
- participation in competitive wholesale markets for electricity and gas, including obligations on AEMO in handling the day-to-day operations of those markets
- provision of monopoly transmission and distribution network services to customers and other market participants, and network planning requirements on service providers and AEMO.

Our functions relate mostly to energy markets in eastern and southern Australia – our jurisdiction covers Queensland, New South Wales, the Australian Capital Territory, Victoria, South Australia and Tasmania.¹

For our compliance and enforcement program, our purpose is to act as the fair, independent and accountable regulator of the energy market, promoting good behaviour by market participants and reducing consumer and market harms. We make energy consumers better off by using innovative regulatory approaches and deploying the right regulatory tools to solve problems.

We monitor, investigate and enforce compliance with obligations under the national energy laws in all sectors of the energy market, including the National Electricity Law and Rules, National Gas Law and Rules and National Energy Retail Law and Rules, and their associated Regulations and Guidelines. This report summarises our compliance and enforcement activities for the 2022–23 financial year.²

In support of the objectives set out in our Strategic Plan 2020–2025, our compliance and enforcement work focuses on conduct that – if not compliant – poses significant harm to:

- consumers, in particular those who are vulnerable or disadvantaged, such as life support customers
- consumers’ active participation in energy markets
- the operation and transparency of competitive energy markets
- the efficient operation of monopoly gas and electricity networks and inhibits access to those networks.

¹ An exception to this is the energy retail market in Victoria, which is regulated under local legislation by the Essential Services Commission of Victoria. We also regulate monopoly networks only in the Northern Territory, with other responsibilities managed by the Utilities Commission of the Northern Territory.

² The National Energy Retail Law requires us to publish an annual report on compliance with the Retail Law and Rules. This report also includes our compliance and enforcement activities under the National Electricity and Gas Laws.

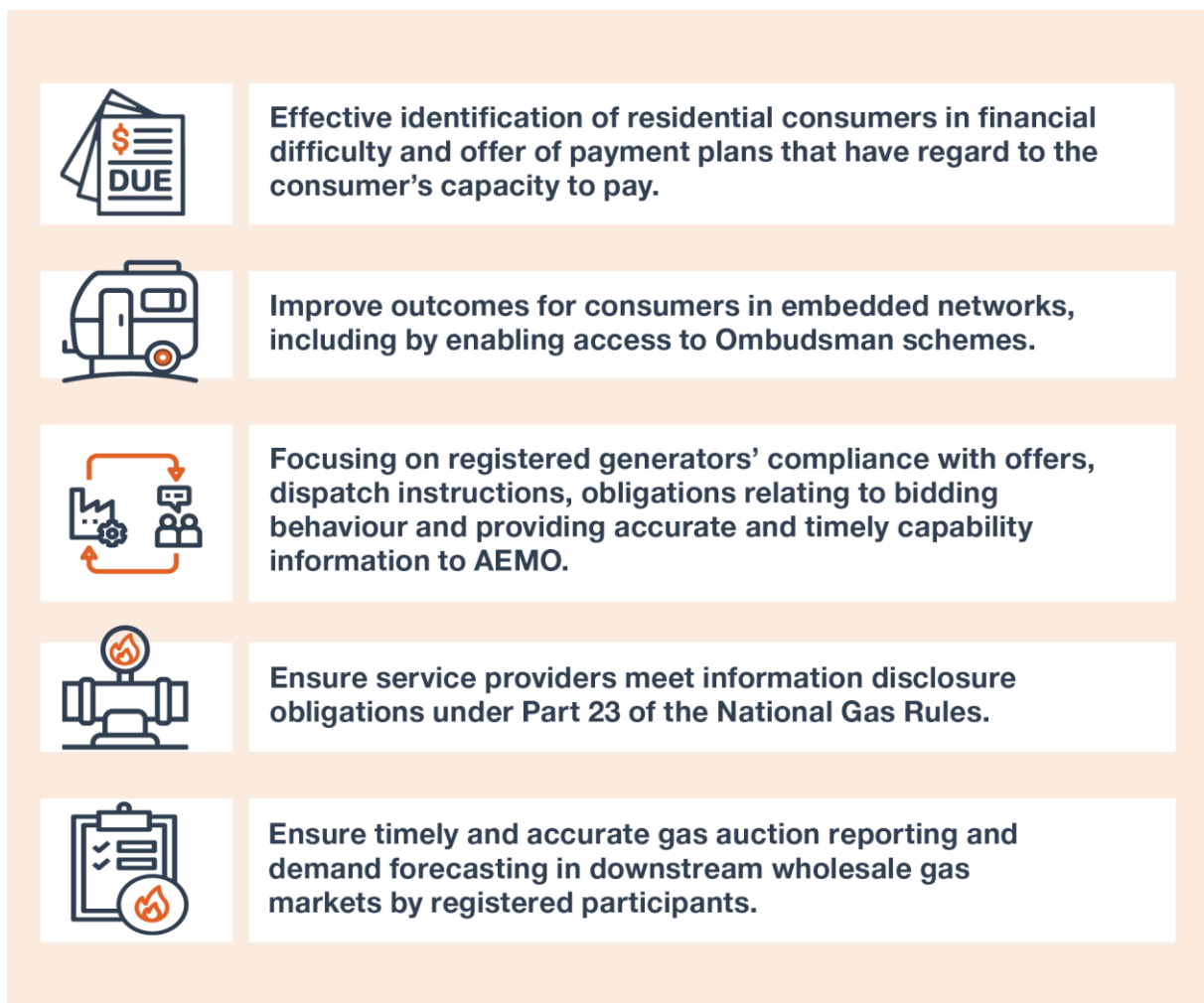
We may also take action where the operation of important laws or rules is unclear or contested. We draw on our experience in monitoring and enforcing compliance with national energy laws to inform debate about Australia’s energy future and support the energy transition.

Our Compliance and enforcement policy sets out how we approach our roles and functions in monitoring, investigating and enforcing compliance with national energy laws. The policy works in conjunction with our Compliance and enforcement priorities, which help guide our enforcement work and proactive compliance efforts and signal areas where we consider behavioural change in the market is required. We discuss outcomes under this year’s priorities in section 2 of this report. You can read about our new priorities for 2023–24 in section 4.

2 Compliance and enforcement priorities for 2022–23 and related outcomes

In 2022–23, the AER set 5 compliance and enforcement priorities relating to consumers (priorities 1 and 2), wholesale electricity (priority 3) and gas (priorities 4 and 5). These priorities align with the objectives in the [AER's Strategic Plan 2020–2025](#).

Figure 1 AER compliance and enforcement priorities 2022–23



This section outlines the compliance and enforcement outcomes for each of these priority areas.

2.1 Effective identification of residential consumers in financial difficulty and offer of payment plans that have regard to the consumer's capacity to pay

The AER continues to focus on ensuring residential customers in financial difficulty receive the full suite of hardship protections in the National Energy Retail Law (Retail Law) and the National Energy Retail Rules (Retail Rules).

Since July 2022 the AER has undertaken a range of compliance activities to support this priority. This includes continuing to work with community sector participants to establish a

compliance reporting framework to support more proactive identification of hardship trends. We have delivered capacity building events in partnership with community sector participants to promote understanding of hardship, payment plan and related provisions.

The AER has written to retailers reminding them of their hardship obligations under the Retail Law and Retail Rules to promptly identify customers in financial difficulty and offer payment plans that consider a customer’s capacity to pay. We have set out the AER’s expectations of best practice when engaging with consumers that demonstrate hardship indicators and have provided retailers with practical guidance on what this looks like.

The AER issued compulsory information-gathering notices to 4 retailers to check compliance with the hardship protections. We anticipate writing to retailers at the conclusion of the program in September 2023 with a view to sharing key learnings.

In May 2023 the AER wrote to retailers setting out our expectations in respect of their dealings with hardship customers and the use of buy now pay later services. The letter warned retailers that actively encouraging customers experiencing payment difficulties to use buy now pay later services to pay their energy bills may contravene the National Energy Retail Law, and asked retailers to self-report any contravening conduct. In addition, the AER has engaged with ombudsman and financial counsellors to gather intelligence and identify any contravening conduct. We hope these actions will mitigate the potential harms arising from the use of buy now pay later services.

2.2 Improve outcomes for consumers in embedded networks, including by access to ombudsman schemes

Embedded networks are private electricity networks that serve multiple premises at sites such as apartment blocks, caravan parks and retirement villages. The owner/operator of a site with an embedded network runs the network infrastructure. In most cases, the owners of the embedded network (such as a body corporate/owners corporation or caravan park owner) buy energy from an authorised retailer and then on-sell it to site occupants or residents (this is known as ‘exempt selling’). However, increasingly, authorised retailers are selling energy directly to consumers in embedded networks. This was included in the past year’s priority work.

To improve protections for consumers buying energy from exempt sellers, the AER published version 6 of the [Retail Exempt Selling Guideline](#) in July 2022. This update introduced several new obligations on exempt sellers designed to protect their customers, such as the introduction of a hardship policy condition. This new condition obliges exempt sellers to afford various protections to residential customers in embedded networks who experience payment difficulties to better manage their energy bills. This includes giving customers access to flexible payment options and notifying customers of appropriate government concession programs and financial counselling services.

To support the release of the Retail Exempt Selling Guideline we have engaged in a range of compliance activities, including:

- publishing a number of [fact sheets](#) for consumers and small businesses designed to clearly explain the rights and obligations of exempt sellers and their customers

- engaging extensively with ombudsmen, industry and consumer groups, including through webinars and public forums
- publishing translated and easy English [fact sheets](#) for small businesses and consumers on their rights and protections if they buy energy from an exempt seller
- publishing a webpage setting out practical steps that off-market customers can take if their exempt seller fails, including alternative retailer options
- writing to all exempt sellers, informing them about the recent changes and of their obligations in the event they can no longer continue selling energy to their customers.

In October 2022 the AER published its [draft Network Exemptions Guideline](#) (version 7) for public consultation. Through this work, stakeholders continue to inform us about the inherent vulnerability of embedded network consumers. These concerns include consumers potentially being locked into an arrangement with an exempt seller or retailer servicing the entire embedded network and facing difficulty accessing other energy offers outside of that arrangement, and whether consumers should be accorded further protections. While the AER is not maintaining this particular compliance and enforcement priority going forward, we will undertake broader policy work in this area in the next financial year and leverage off the draft Network Exemptions Guideline to address the concerns raised by stakeholders.

Other compliance activities under this priority have included presenting at a workshop hosted by the Energy and Water Ombudsman NSW about the AER’s workstreams relating to embedded networks and highlighting the new obligations introduced in the final Retail Exempt Selling Guideline. The workshop was attended by various exempt entities and peak body organisations representing exempt entities.

The AER has ongoing investigations in relation to embedded networks, including in relation to an alleged failure by an embedded network operator to join an energy ombudsman scheme and alleged failures to register with AEMO or register exemptions with the AER while owning, operating or controlling an embedded network. Registration with AEMO or exemption from the AER, and membership with the relevant energy ombudsman scheme (where required), are important to ensure residents in embedded networks receive a range of protections under the law or the AER’s Network or Retail Exemption Guideline.

The AER recently conducted a compliance check on a number of exempt seller caravan parks across 3 states. We requested a copy of their hardship policy for their residential customers, which is now a condition of their exemption under the new Retail Exempt Selling Guideline. We reviewed and provided feedback on the policies.

2.3 Focusing on registered generators’ compliance with offers, dispatch instructions, obligations relating to bidding behaviour and providing accurate and timely capability information to AEMO

The requirement for generators to ensure that they can comply with their offers at all times, and to follow dispatch instructions from AEMO, is critical to power system security and efficient outcomes in the wholesale electricity market. This helps ‘keep the lights on’ during the energy transition. This priority also includes obligations around bidding behaviour and providing accurate and timely capability information to AEMO.

Since July 2022 the AER has taken the following actions to support this priority.

June 2022 market events – generator bidding conduct investigation

On 16 June 2022, the AER commenced a formal investigation into the conduct of generators during the administered price cap (APC) period, immediately prior to AEMO suspending the market in mid-June 2022.

On 12 and 13 June 2022, the APC was triggered in the Queensland, New South Wales, Victorian and South Australian regions of the NEM. On 15 June 2022, AEMO suspended the wholesale spot market in those regions. The APC remained in force for South Australia until 22 June 2022 and for New South Wales, Victoria and Queensland until 23 June 2022. On 24 June 2022 AEMO declared the end of the suspension period and resumed the market.

During an APC period, generators can seek compensation (cl 3.14.6) based on direct and opportunity costs (cl 3.14.6(d)). Generators are also able to seek compensation when directed by AEMO under (cl 4.8.9) based on direct costs.

The investigation considered whether generators had intentionally or recklessly caused or significantly contributed to the circumstances causing AEMO to issue a direction (cl 4.8.9(c2) of the National Electricity Rules (NER)). This focus arose due to reports from a number of stakeholders, including AEMO, that generators were withdrawing capacity in order to be directed on by AEMO, which would then enable them to obtain compensation pursuant to the directions compensation scheme established by the NER. The investigation also considered other potential breaches of the NER concerning false or misleading offers, bids or rebids, and conduct related to projected assessment of system adequacy (PASA) submissions.

On 15 December 2022, the AER released its [report](#) that concluded that the evidence gathered demonstrated behaviours that had resulted in poor market outcomes. Further, the AER considered that a number of generators engaged in conduct that significantly contributed to the circumstances that caused AEMO to issue a direction. Several generators appeared to have had little to no regard for the effect of their actions on the broader system.

However, it was noted that generators may have had a reasonable cause to withdraw capacity given they were facing limited fuel availability and wanted to conserve their fuel for peak periods or preserve fuel stocks. Another cause – fearing having to supply at a loss – is less clear given the existence of a compensation regime designed to encourage supply during times of system stress. Currently, the Rules do not oblige generators to offer available capacity and they can decide not to do so for commercial reasons. However, the prioritisation of commercial freedom can be detrimental to power system security, particularly under times of system stress.

The report raised a number of options for consideration that may tighten this aspect of the Rules to ensure generators continue to offer capacity during times of system stress.

The AER's investigation also revealed some poor compliance practices by generators concerning PASA submissions. The AER is continuing to investigate one generator for possible breaches of the NER in relation to PASA.

Despite the behaviour of generators being unhelpful in withdrawing capacity, the AER otherwise found that AEMO and generators worked closely together in difficult circumstances

and that there was good transparency and communication by both AEMO and the generators.

AGL FCAS

On 30 June 2023, the AER instituted proceedings in the Federal Court against AGL Loy Yang Marketing Pty Ltd (AGLL) and AGL Macquarie Pty Ltd (AGLM), subsidiaries of AGL Energy Ltd, for alleged breaches of the NER.

During various periods between September 2018 and August 2020, the respondents made offers to AEMO and were paid to be on stand-by to provide contingency FCAS. The AER alleges that AGLL and AGLM failed to provide the required stand-by services of contingency FCAS in response to frequency disturbances for generating units at Loy Yang A power station and Bayswater power station, respectively.

Under the NER, electricity generators can offer to be on stand-by to provide market ancillary services to stabilise network frequency when there is a power system disturbance. Contingency FCAS are a type of market ancillary service that is essential to keeping the lights on following a frequency disturbance in the power system.

Contingency FCAS are important because they are used to maintain the frequency in the power system, allowing AEMO to manage the system safely, securely and reliably. These services are used infrequently, but because participants are paid to be able to provide them when needed (like an insurance policy), participants must be ready at all times to deliver these services in the event they are needed.

The AER alleges that the respondents' failures to ensure their units were capable of providing the FCAS in accordance with their offers and AEMO's dispatch instructions created a risk to power system security by undermining AEMO's ability to prepare for and respond to frequency disturbances.

The respondents have cooperated with the AER in these proceedings and have admitted to the contraventions. The parties intend to make joint submissions to the Court about the appropriate relief.

Contingency frequency control ancillary services (FCAS) Compliance Bulletin

The Contingency FCAS Compliance Bulletin, first released in [February 2022](#), outlines for electricity market participants our expectations about compliance with a number of critical obligations relating to contingency FCAS under the Electricity Rules.

We released an [updated version of the bulletin](#) on 25 October 2022 in light of the [Federal Court outcome](#) on Hornsdale Power Reserve's alleged breaches of contingency FCAS obligations. In the update we set out our expectations that participants:

- understand how any changes to plant may impact on contingency FCAS capabilities, regardless of whether these changes are carried out by the participant or a third party
- understand that plant changes are broader than mechanical changes to physical plant and include software and firmware upgrades to control systems or applicable settings

- regularly monitor performance as an essential part of their compliance systems, such that they regularly assess the actual frequency response of plant that is enabled to provide contingency FCAS.

Expansion and rebrand of Summer Readiness to NEM Readiness Guide

The AER has published the 'Summer Readiness' compliance guidance since 2017 to assist participants with operational challenges in summer. On 28 November 2022 we published the [NEM Readiness Guide](#) and checklist, a rebranded version of the Summer Readiness publication, to recognise the importance of participants maintaining a focus on compliance with their obligations all year round.

The readiness guide includes examples of what the AER considers to be good industry practice, informed by our recent work including the compliance review of the 25 May 2021 event in Queensland and the generator bidding conduct investigation outlined above.

Semi-Scheduled Generator Compliance Bulletin

We released the [Semi-Scheduled Generator \(SSG\) Compliance Bulletin](#) on 1 July 2022. This guidance sets out our expectations around compliance with key obligations for critical aspects of SSG operations, including for requirements that were introduced in April 2021. The bulletin also educates participants on relevant supporting procedures from AEMO and the AER.

We will continue to monitor SSG compliance, with a focus on obligations to meet dispatch instructions, and consider further action where we continue to observe non-compliance by SSGs.

2.4 Ensure service providers meet information disclosure obligations under Part 23 of the National Gas Rules

The information disclosure provisions in Part 23 of the National Gas Rules (NGR) are intended to help address the imbalance in bargaining power between users and providers of services on 'non-scheme pipeline'. Non-scheme pipelines are those pipelines that are regulated under Part 23 of the NGR and do not include those pipelines that are subject to full price regulation (under which the AER approves the prices a service provider can charge) or 'light regulation' under Part 7 of the NGR (which requires service providers to publish certain information about their pipeline and services). It does this by requiring service providers to publish a range of information, including service and access information, and financial information about the pipeline.

In the first half of 2022–23 we continued to focus on compliance with the Part 23 information disclosure provisions. Ensuring that service providers are complying with these provisions helps to ensure that pipeline users can access gas pipelines on fair and equitable terms and promote competitive downstream gas markets. This ultimately benefits consumers through promoting lower prices and more reliable services.

Following our industry-wide review of service providers' compliance with many of the Part 23 information disclosure obligations in 2021–22, we issued a compliance bulletin in September 2022. The [Non-scheme pipeline Information Disclosure Compliance Bulletin](#) outlines our expectations of non-scheme pipeline service providers' compliance with a number of information disclosure obligations under Part 23, summarises the issues we identified in our

compliance review and makes suggestions on how to address these. The bulletin stressed the need for service providers to:

- ensure their Part 23 information is easy to identify and locate on their websites
- provide more detailed explanations of the methodologies used to determine standing prices (prices offered under a pipeline’s standard terms and conditions)
- publish more detailed explanations of the approach they have taken to prepare their financial information, which includes things such as the revenue earned through the pipeline, the costs of operating the pipeline and the value of the pipeline assets
- regularly review the Part 23 information they have published to ensure it remains current.

Despite the revocation of Part 23 discussed below, the guidance provided in this bulletin remains relevant.

In August 2022, we wrote to many service providers outlining specific issues we had identified with their Part 23 information. In response to these letters all service providers took action to address the issues identified, improving the quality of Part 23 information across the industry, and helping to ensure that access seekers can negotiate fair terms and conditions of access. This benefits end users, through promoting cheaper and more reliable services.

We have continued to review information provided by service providers on the recovered capital value of their pipelines. The recovered capital value indicates how much of the costs to construct and operate a pipeline have been recovered by the service providers of a pipeline through providing services on the pipeline. Such information can help prospective users in considering whether prices offered by a service provider are reasonable and can assist them in negotiating fair terms and conditions of access to the pipeline. We are currently working with service providers to address issues we have identified in our reviews. For example, we are discussing issues with the methodologies used to estimate the recovered capital method, such as approaches to calculating the cost of capital.

Part 10 and Part 18A information disclosure obligations

In March 2023, Part 23 of the NGR was revoked. Part 10 replaced Parts 7 and 23 of the NGR and requires service providers of both scheme and non-scheme pipelines to publish their:

- service and access information
- standing terms
- financial information, historical demand information and cost allocation methodology
- actual prices payable information.

Similarly, service providers of standalone compression and storage facilities are required to publish standing terms and actual prices payable information under Part 18A of the NGR.

We are currently developing guidelines that will instruct service providers as to what information they must publish under Part 10 and Part 18A of the NGR. These guidelines are expected to be published in October 2023.

Compliance bulletin on new obligations for service providers

In June 2023 we published the [Compliance bulletin on new obligations](#) under the gas pipeline reforms. This compliance bulletin outlines the new obligations on gas pipeline, compression and storage service providers. It sets out the AER's expectations for compliance and details when service providers must comply with the obligations.

2.5 Ensure timely and accurate gas auction reporting and demand forecasting in downstream wholesale gas markets by registered participants

Accurate and timely gas auction reporting and demand forecasting is critical to efficient pricing outcomes for the transportation and supply of gas to customers in downstream markets in Victoria, Sydney, Brisbane and Adelaide.

Auction quantity limits

Transportation capacity is auctioned through a DAA operated in accordance with rules set out in Part 25 of the NGR. The auction commences with facility operators of gas pipelines and gas compression submitting auction quantity limits (AQLs), which reflect available transport capacity for the next gas day for participants to bid on.

Late AQL submissions delay the auction or, if not received, result in a facility's suspension from the auction. Where a pipeline is suspended from the auction, the available gas transportation capacity is unable to be auctioned at all, potentially affecting effective competition and pricing outcomes for consumers. We publish [late AQL submission occurrences](#) on the AER's website. Late submissions continued to be less frequent in 2022 compared with previous years. During the July to December 2022 period, 2 AQL submissions were not received from Epic Energy on the same gas day, leading to the suspension of 2 pipelines from the auction.

Under-reporting of AQLs by facility operators can lead to unutilised available capacity that participants may have otherwise accessed to transport gas. This potentially reduces effective competition in gas markets and may lead to higher prices for consumers.

On 1 June 2023, the AER [instituted proceedings](#) in the Federal Court against 4 Jemena subsidiaries relating to alleged large-scale failures to submit accurate AQLs to AEMO for 4 pipelines and failure to ensure auction services were correctly scheduled for 3 pipelines over a nearly 3-year period. The AER alleges that by failing to submit accurate AQLs, the Jemena subsidiaries understated their available capacity on numerous occasions. In several instances, incorrect AQLs resulted in 'lower tier' services, such as interruptible services, being scheduled ahead of services that could have been won through the auction. The AER is seeking pecuniary penalties, declarations, an order requiring the implementation of a compliance program and costs. The 4 Jemena subsidiaries who are respondents in the proceedings are Jemena Eastern Gas Pipeline (1) Pty Ltd, Jemena Queensland Gas Pipeline (1) Pty Ltd, Jemena VicHub Pipeline Pty Ltd and Jemena Darling Downs Pipeline (3) Pty Ltd.

We are also currently engaging with participants whose AQL reporting may raise concerns and we are strengthening our capability to detect AQL errors through fully automated surveillance screens.

Day Ahead Auction record keeping

Part 25 of the NGR requires the AER to maintain a [DAA record keeping guideline](#), which in part sets out requirements on users of auction facilities to keep records detailing any material changes to transportation usage after the auction runs. This requirement is designed to support rules prohibiting market conduct, including providing false and misleading nominations and manipulating auction quantities or auction outcomes.

We have monitored compliance with the market conduct provisions and our guideline and are currently investigating a range of potential failures by participants, including potential failures to keep contemporaneous renomination records.

To facilitate improved reporting and outline AER expectations, we are reviewing this guideline. We commenced consultation on changes to the guideline on 13 April 2023, publishing a [Notice of Consultation and Consultation paper](#) seeking stakeholder feedback on our proposed amendments to the guideline by COB 12 May 2023. We are currently reviewing these consultations, with a final revised guideline to be published by the end of 2023.

Participant demand forecasting

The efficient transportation of gas to downstream gas markets is linked to the efficient forecast of demand for those markets, without which there may be over or under forecast amounts of gas. Accordingly, the AER has focused on participant demand forecasting performance alongside the DAA.

Participant demand forecasts are a key input for AEMO when determining the supply and demand of gas and associated gas prices. Therefore, the timely and accurate submission of demand forecasts is crucial to achieving efficient pricing outcomes and facilitates effective competition through price signals. Trading participants in the Adelaide, Brisbane and Sydney Short Term Trading Markets (STTM) and Victorian Declared Wholesale Gas Market (DWGM) are required to submit, in good faith, best estimate demand forecasts to AEMO for each gas day (for each of the 3 days leading up to the gas day in the STTMs and 2 days leading up to the gas day in the DWGM). Participants must also submit revised demand forecasts to AEMO where any earlier submitted demand forecasts no longer reflect their best estimate.

During 2022 we have taken enforcement action for instances of non-compliance with demand forecasting obligations, including inaccurate forecasts, failures to update previous forecasts and non-submissions.

EnergyAustralia Pty Ltd (EnergyAustralia) and Incitec Pivot Limited (Incitec) paid infringement notices issued by the AER totalling \$630,200 for alleged breaches of rule 410(1) of the NGR.

- EnergyAustralia has paid [\\$406,800 in penalties in relation to 6 infringement notices](#). The AER alleges that EnergyAustralia failed to submit bids to buy gas 2 and/or 3 days out from the relevant gas day in both the Adelaide and Sydney STTMs, indicating that it didn't intend to withdraw any gas on those days. This indicated that it didn't intend to buy any gas on those days when in fact it did purchase gas on those days. As a result, the movement of gas between centres may have been impacted by poor price signals in Adelaide and Sydney. The AER was concerned that EnergyAustralia engaged in this

conduct for 376 bids between 1 July 2020 and 23 December 2021, and issued 6 infringement notices covering 6 of those days.

- Incitec has paid [\\$223,400 in penalties in relation to 4 infringement notices](#). The AER was concerned that Incitec failed to submit in good faith bids to buy gas in the Brisbane STTM that reflected its best estimate of gas that it intended to withdraw on 64 occasions between 1 January and 8 October 2021, and issued 4 infringement notices covering 4 of those days.

We have also developed detection capability in this space, including screening tools that identify missing demand forecasts. On 30 November 2022, we published a [Gas Markets Demand Forecasting Compliance Bulletin](#) to aid industry education and have been contacting market participants whose recent demand forecasting performance has been poor. The compliance bulletin also noted our concerns about Shell Energy Retail (Shell) not submitting demand forecasts on various days in March, May and June and not having appropriate systems in place to detect these non-submissions. We detected Shell's missing demand forecasts while Shell was in the process of self-reporting to the AER. We worked with Shell to reach a voluntary undertaking over the next 24 months commencing January 2023 to report on its demand forecasting compliance.

3 Other compliance and enforcement activities in 2022–23

3.1 Compliance and enforcement work supporting consumers

In addition to our work in priority areas, the AER continues to act where there are serious issues impacting vulnerable consumers, including life support consumers, to help shape new or emerging markets and to implement new guidance such as the Better Bills Guideline.

AGL – Centrepay

On 16 December 2022, the AER [instituted proceedings](#) in the Federal Court against AGL Retail Energy Limited and 3 other subsidiaries of AGL Energy Limited concerning alleged conduct in relation to Centrepay payments deducted from customers receiving Centrelink payments.

Centrepay is a bill paying service administered by Services Australia, by which people can elect to use the service to arrange regular deductions from their Centrelink payments, such as jobseeker, for essential goods and services. The affected customers had used Centrepay to help pay their energy bills but had stopped receiving services from AGL at the time of the alleged conduct.

The AER alleges that, between May 2020 to December 2021, AGL failed to notify the affected customers that they had been overcharged as a result of AGL making deductions through Centrepay payments. The AER also alleges that AGL failed to use best endeavours to refund the overcharges within the required time periods.

It is alleged 575 customers were affected by this conduct, most if not all of whom are likely to have been vulnerable and experiencing financial disadvantage. The AER alleges that the conduct occurred on 6,016 occasions after AGL became aware of the issue.

There are provisions in the Retail Rules to protect customers and to ensure that, if overcharging by a retailer occurs, customers are notified and reimbursed within 10 days of the overcharge being identified by the retailer. This protection extends to customers who are no longer being supplied by that retailer.

The AER also alleges that AGL was in breach of the Retail Law by not having the policies and procedures in place to detect, notify customers of, and provide refunds for, the overcharges in the required time frames.

The AER is seeking pecuniary penalties, declarations, an order requiring implementation of a compliance program and costs.

Aurora Energy – Life support outcome

In August 2022, energy retailer Aurora Energy paid penalties totalling \$203,400 following the AER issuing [3 infringement notices](#).

The AER issued the infringement notices because it had reasonable grounds to believe that Aurora Energy had breached rules 124(1)(b), 124A(1)(b) and 125(1) of the Retail Rules by failing to:

- send customers information packs within 5 business days of the customer advising of the life support equipment requirement
- send reminder notices to customers who had not returned a medical confirmation form
- send a deregistration notice to customers before deregistering their life support registration.

This outcome is part of the AER’s enduring priority to ensure compliance with the life support obligations under the Retail Law. Retailers are required to register life support customers as soon as possible after they are advised by either the customer or distributor that the customer requires life support equipment. They are also expected to provide these customers with relevant information, including the number to call if there is an unexpected interruption to supply.

CovaU – non-compliance with requirement to publish standing offer on its website

In June 2023, CovaU Pty Ltd (CovaU) [paid a \\$67,800 infringement notice](#), after it allegedly failed to present the prices for its standing offers (also known as standard contracts) on its website between July 2021 and January 2023. The AER alleges, by not presenting its standing offer prices on its website – a requirement of section 23(1) of the Retail Law – CovaU undermined its customers’ ability to access all of the energy offers available to them and ensure they are on the best offer for their circumstances. In addition to payment of the infringement notice, the AER has accepted a court enforceable undertaking for CovaU to appoint a third-party compliance expert to undertake a review to identify improvements to CovaU’s Retail Law and Rules compliance systems, and for a separate independent expert to complete a post-implementation review of the effectiveness of those improvements. The court enforceable undertaking includes an admission by CovaU that it breached its obligations under the Retail Law.

Interim guidance on family violence obligations

On 12 April 2023, the AER released an [interim guidance note](#) on the new family violence protections in the Retail Rules, which commenced on 1 May 2023. These new obligations are designed to improve energy retailers’ response to and support of customers experiencing family violence across National Energy Customer Framework jurisdictions.

The AER’s guidance outlines energy retailers’ key responsibilities to customers affected by family violence and sets out the AER’s compliance expectations. The interim guidance note will be updated and finalised in the future to include any civil penalty provisions and to clarify or refine aspects following feedback from energy retailers.

Better Bills Guideline

The AER is working with retailers in the lead up to the introduction of the better offer requirement in the Better Bills Guideline on 30 September 2023, which will require retailers to include a message on the front page of every bill advising whether the retailer can offer consumers a better plan.

The AER has published copies of [3 decision letters](#) to energy retailers following applications to include additional messages, not required by the Better Bills Guideline, among Tier 1 information (or on the front page) on their revised customer bills. The decisions emphasise the importance the AER places on ensuring customer bills are simple, uncluttered and easy to understand, and may provide additional guidance to other retailers as they work towards implementing the guideline.

AER & ACCC joint publication – price change obligations

The AER and ACCC issued a [joint compliance bulletin](#) for retailers that outlines clearly their obligations around communicating price changes to their customers. This will assist consumers in making informed choices about their energy costs. Given the current environment of elevated prices, it is essential that energy consumers are provided with clear and accurate information when being advised of price changes to enable them to make informed choices about their energy costs.

The bulletin also clearly sets out retailers' obligations in relation to requests from consumers to go on a standing offer in response to a price change and when communicating any changes in tariffs and charges.

3.2 Wholesale electricity

Stanwell Corporation – 25 May 2021 incident

Electricity Generator Stanwell Corporation Limited (Stanwell) [paid 6 infringement notices totalling \\$263,400](#) in May 2023. The infringement notices were issued by the AER for Stanwell's alleged application of protection setting to 3 of its generating units at Stanwell Power Station since 2017 without prior written approval from AEMO and for failing to ensure those units met the required generator performance standard for voltage disturbances.

Stanwell has since removed the unapproved setting and agreed on a new setting with AEMO.

The alleged breaches were identified by the AER as part of its investigation into a power system incident that occurred in May 2021. The incident involved an explosion at Callide Power Station and the interruption of multiple generators (including Stanwell Power Station) and high voltage transmission lines in Queensland.

Retailer Reliability Obligation

The RRO aims to encourage participants to invest in generation technologies in regions where capacity is needed so there is enough supply to meet demand by requiring retailers, and some large energy users, to establish contracts to cover their share of demand for a confirmed reliability gap period. It is supported by a suite of AER guidelines, which detail how the various stages of the RRO operate and impose obligations on entities involved in the RRO.

Following a request from AEMO, in October 2022 the AER made an RRO [reliability instrument](#) to address a forecast reliability gap in South Australia for a period in early 2024. Each liable entity in South Australia will be required to report its net contract position (NCP) for that period to the AER in July 2023. Should higher than average demand eventuate in that gap period, the AER has a role in assessing whether businesses had established

sufficient contracts to cover their share of demand, which we will undertake as set out in our *Reliability Compliance Procedures and Guidelines* (RRO Guidelines).

The AER commenced development of the RRO Guidelines soon after making the instrument to ensure they would be in place ahead of the July 2023 reporting time frame. As the first stage of consultation, we published an [issues paper](#). The issues paper sought stakeholder feedback on various aspects of the AER’s proposed approach to developing the RRO Guidelines. We received one submission, which we considered when developing the [draft RRO Guidelines](#), which were released in March 2023. After receiving no submissions to the draft RRO Guidelines, we released the [final RRO Guidelines](#) on 6 June 2023 as well as [templates](#) that liable entities are required to complete and submit as part of their NCP report.

Recognising the increase in queries received from stakeholders about the RRO obligations since the 2024 reliability instrument was made, we published an [RRO FAQ document](#) on our website in December 2022. We will update this document periodically to include further guidance as we receive new queries.

Transmission Network Service Providers (TNSPs) compliance update

On 4 November 2022, the AER released a [compliance update](#) for TNSPs that provide vital inertia network services and system strength services to keep the national electricity grid in a safe and stable operating state. These services are particularly important in a transitioning energy market, where new technologies are emerging and some traditional generation types are retiring. The compliance update sets out the AER’s expectations for compliance with these critical obligations, which we expect transmission businesses to maintain focus on when procuring these system services.

3.3 Generator performance standards

AGL Broken Hill Solar Plant

On 25 October 2022, the AER accepted a [court enforceable undertaking](#) from 5 AGL-related entities – AGL Energy Limited, AGL PARF NSW Pty Limited, AGL HP 1 Pty Ltd, AGL HP 2 Pty Ltd, and AGL HP 3 Pty Ltd (AGL) – in relation to the operation of the Broken Hill Solar Plant.

The enforceable undertaking addresses a non-compliance at the Broken Hill Solar Plant and sets out steps to address the issues. The non-compliance was first detected during the modelling process, which showed that under certain conditions the Broken Hill Solar Plant may not meet its Generator Performance Standard (GPS) for frequency control matters. Compliance with registered GPS is critical for AEMO to manage power system security.

AGL self-reported the non-compliance to AEMO. It approached the AER in March 2022 and offered a court enforceable undertaking to resolve the non-compliance. In accepting the undertaking, the AER noted that it is important for market participants that identify non-compliances to approach the AER early to resolve these issues.

Review of generator compliance programs

The AER continued its annual Generator compliance programs (GCP) review in 2022. Our review focused on registered generators’ obligations under rules 4.15(b) to 4.15(c) of the NER.

Rule 4.15 requires registered participants to institute and maintain a compliance program in accordance with the Reliability Panel's [Template for generator compliance programs](#). In particular, the GCP must:

- include procedures to monitor the performance of the plant in a manner that is consistent with good electricity industry practice
- provide reasonable assurance of ongoing compliance with applicable performance standards.

Under the review, GCPs' capability of ongoing testing and monitoring of compliance with GPS is assessed. A generator's ability to identify and report potential non-compliance with its registered GPS is crucial for AEMO to ensure the security and reliability of the power system. Rule 4.15(f) requires generators to report GPS non-compliances to AEMO and for AEMO to forward these reports to the AER.

The review is conducted in the form of a negative assurance audit. This means that the AER checks for 'reasonableness' to satisfy that there is no evidence of non-compliance with the relevant NER provisions, based on information provided in responses and interviews with the generators. The review also considers the 10 compliance principles outlined in the template, focusing on Principle 5 and the 'GEIP' (governance, expertise, implementation and performance) of a compliance program.

The 2022 GCP review found that generators have the required systems and processes in place to test and monitor compliance. The AER was satisfied with the information received from generators and that generators promptly took actions to produce and/or update the test plans and supporting documents to meet NER requirements. Even though GCPs met the relevant requirements of the NER, the AER identified some areas for improvement, which have been communicated to generators.

3.4 Gas

Annual Gas Compliance Reports 2021–22

At the end of each financial year, service providers of covered transmission or distribution pipelines are required to report on any non-compliance with key regulatory obligations in accordance with the AER's [Annual Compliance Order](#). The NGR provides that the service provider must be a separate legal entity, must comply with certain obligations in relation to the provision of third-party access and more broadly structural and operational separation of marketing staff, among other matters. The annual compliance process establishes a consistent framework for all service providers to report compliance and enables the AER to verify whether service providers are complying with these obligations.

No instances of non-compliance were reported to the AER for the 2021–22 reporting period.

Gas pipeline reforms to the National Gas Law and the National Gas Rules commenced on 2 March 2023, making a number of changes to the way that gas pipelines are regulated in Australia. The reforms aim to deliver a simpler regulatory framework that will continue to support the safe, reliable and efficient use of, and investment in, gas pipelines. The AER is currently in the process of reviewing the Annual Gas Compliance Order.

Gas Market Transparency Compliance Bulletins

Gas market transparency reforms commenced in late 2022 following the passage into law of the National Gas Amendment (Market Transparency) Rule 2022. The reforms expand market participant reporting to AEMO’s Gas Statement of Opportunities and to the Gas Bulletin Board. This enhances the public availability of information on gas supply, demand and pricing, informing policy responses and promoting competition and efficient investment in gas infrastructure for the long-term interests of consumers.

The AER released a series of compliance bulletins throughout the reform process to assist participants with their understanding of the new reporting obligations:

- Our September 2022 [compliance bulletin](#) focused on participant registration obligations, confirming that participants had 20 business days to register as Bulletin Board reporting entities from 3 November 2022, given AEMO’s extended consultation on its Bulletin Board Procedures. We published a [compliance update](#) in December 2022, confirming that reporting would commence on 15 March 2023 and that the AER would be monitoring participant readiness to comply from that date.
- Our second [compliance bulletin](#), published in February 2023, focused on participant reporting obligations and outlined new and expanded reporting obligations to AEMO under Part 18 (Gas Bulletin Board) and Part 15D (Gas Statement of Opportunities) of the NGR, as well as new reporting obligations to the AER under Part 18 of the NGR for gas price assumptions. We also published a reporting template for participants to use when reporting their gas price assumptions to the AER under Part 18 of the NGR.
- A [guidance note](#) published in June 2023 focused on reserves and resources reporting by gas field owners. The AER released this publication after consulting with gas market participants and AEMO and after identifying concerns with the standard of reserves and resources reporting, under the NGR, following the commencement of reporting in March 2023.

3.5 Ring-fencing compliance of electricity distributors

Distribution electricity ring-fencing aims to prevent harm that may result from monopoly distributors discriminating in favour of their affiliates operating in a contestable market, or from cross-subsidising any contestable services with revenue earned from their provision of regulated distribution services. The purpose is to achieve a level playing field for third-party providers of contestable services, promoting competition in contestable markets. Distribution network service providers (DNSPs) are required to comply with the Ring-fencing Guideline Electricity Distribution (Ring-fencing Guideline) and submit an annual ring-fencing compliance report.³ The Ring-fencing Guideline sets out various requirements for functional, accounting and legal separation with affiliate entities.

This year saw the first reporting under Version 3 of the Ring-fencing Guideline, which came into effect on 3 February 2022.⁴ 13 annual compliance reports were submitted for this

³ AER, [Ring-fencing Guideline Electricity Distribution - Version 3](#), November 2021, cl. 6.2.1(a).

⁴ Given the change in reporting timeframes introduced in Version 3, some DNSPs chose to report from 3 February to 31 December 2023, while others have reported for the entire 2023 calendar year.

reporting period, relating to 14 DNSPs.⁵ Each of these reports were also accompanied by an assessment of compliance by a suitably qualified independent authority.⁶

Reports from DNSPs identified several concerns (which we will continue to closely monitor in 2023–24):

- **Breaches related to branding and cross promotion:** A significant number of DNSPs reported breaches related to branding and cross promotion over the reporting period. Conduct of this kind can create a perception that a related electricity service provider (RESP) is leveraging its relationship with a DNSP for commercial advantage.
- **Breaches related to the failure to protect or disclosure of ring-fenced information:** A number of DNSPs also reported breaches related to failures to adequately protect and/or the inadvertent disclosure of ring-fenced information. While we generally don't consider the provision of this information to have had any material impact on competition in contestable markets, we are concerned with the number of related breaches reported in this period.
- **Instances of repeated non-compliance:** A number of distributors reported multiple breaches of their ring-fencing obligations. The majority of the breaches related to isolated circumstances and did not indicate systemic issues.

The AER has also published all DNSPs' [2021 ACRs](#) on our website.

Ring-fencing waivers

Distributors can apply for waivers of obligations under certain clauses of the Ring-fencing Guideline.⁷ In 2022 we granted 7 individual waivers, including:

- a waiver to Ergon Energy relating to the supply of excess capacity from 5 batteries
- a waiver to Energex relating to the supply of excess capacity from up to 35 batteries
- a waiver to Essential Energy allowing it to lease excess capacity from its Sovereign Hills battery; a second waiver was also granted to Essential Energy allowing it to trial the joint ownership and operation of 35 pole top batteries
- a waiver to Powercor allowing it to lease excess capacity from its Tarneit neighbourhood battery
- a waiver to Power and Water Corporation relating to compliance with 3 clauses of the Ring-fencing Guideline.

We also granted 2 class waivers:

- enabling DNSPs to potentially build and operate transmission infrastructure in a Renewable Energy Zone (REZ)

⁵ Citipower and Powercor submit a joint Annual Compliance Report.

⁶ AER, [Ring-fencing Guideline Electricity Distribution - Version 3](#), November 2021, cl. 6.2.1(c).

⁷ A full list of waivers is available on our website - <https://www.aer.gov.au/networks-pipelines/ring-fencing/ring-fencing-waivers>.

- allowing DNSPs to contract with AEMO to provide Reliability and Emergency Reserve Trader (RERT) services via voltage management.

3.6 Market interventions

NSW Coal Market Price Emergency Directions

On 22 December 2022, the NSW Premier declared a coal market price emergency from 22 December to 30 June 2024 and issued directions to NSW [coal-fired power stations and coal suppliers](#). On 13 February 2023, the NSW Minister appointed the AER as the regulator for the purposes of the directions. As regulator, the AER is tasked with monitoring compliance with and enforcement of the directions to ensure NSW coal suppliers and power stations comply with the directions and enable reporting on the impacts of the market interventions. To assist this, the AER published guidance notes for [coal mines](#) and [power stations](#), as well as [frequently asked questions](#).

In our role as regulator, the AER receives and analyses monthly reporting from coal mines and power stations to ensure compliance with the directions. We also meet with stakeholders, including representatives from power stations, coal mines and the NSW Government, to ensure the effective operation of the regulatory oversight.

4 Compliance and enforcement priorities 2023–24

The compliance and enforcement priorities for 2023–24 were published on 20 June 2023. The priorities align with the objectives in the AER’s Strategic Plan 2020–2025, specifically objectives 1 to 3:

<p>1 Protect vulnerable consumers, while enabling consumers to participate in energy markets</p>	<p>2 Effectively regulate competitive markets primarily through monitoring and reporting, and enforcement and compliance</p>	<p>3 Deliver efficient regulation of monopoly infrastructure while incentivising networks to become platforms for energy service</p>
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The priorities for 2023–24 include a number of new priorities, as well as some updates to the areas of focus for existing priorities. The priorities should be read in conjunction with the AER’s Compliance and enforcement policy. The policy sets out how we approach our compliance and enforcement roles and functions in accordance with the national energy laws.

Figure 2 AER compliance and enforcement priorities 2023–24



Appendix A Summary of compliance and enforcement activities in 2022–23

Table 1 Civil proceedings

Obligations AER alleged have been contravened	Regulated entity	Date proceedings instituted	Status/outcome
National Electricity Rules cl. 4.9.8(a) and (d): failure to comply with dispatch offers to provide FCAS, failure to ensure generating units were able to comply with market ancillary service offers made to AEMO.	AGL Loy Yang Marketing Pty Ltd and AGL Macquarie Pty Ltd	30 June 2023	Proceedings instituted
National Gas Rules, rr. 649(1), 650(3), 653(1), 653(2): alleged failure to submit accurate AQLs to AEMO, ensure auction services were correctly scheduled.	Various Jemena subsidiaries	31 May 2023	Proceedings instituted
National Energy Retail Rules, rr. 31(1), 31(2), 31(3): alleged failure to comply with overcharging obligations.	AGL Retail Energy Limited and three other GL subsidiaries	16 December 2022	Proceedings instituted
National Electricity Rules, cl. 3.7.2(d), 3.7.3(e) and 3.13.2(h): failure to notify AEMO of physical plant capability that could be made available on 24 hours' notice.	Pelican Point	26 August 2019	Awaiting judgment

Table 2 Infringement notices paid

Obligation	Regulated entity	Date of payment	Penalty paid
National Energy Retail Law, s 23(1): alleged failure to publish standing offer prices on website.	CovaU Pty Ltd	27 June 2023	\$67,800 (1 notice)
National Gas Rules, r. 410(1): alleged failure to submit good faith bids to purchase gas on the STTM.	Incitec Pivot Limited	26 June 2023	\$223,400 (4 notices)
	EnergyAustralia Pty Ltd	26 June 2023	\$406,800 (6 notices)
National Electricity Rules, cl. 4.4.3, r 4.15(a)(1): alleged application of settings for generating units which had not been approved by AEMO, failure to ensure generating units met requirements of their applicable Generator Performance Standards to maintain continuous uninterrupted operation.	Stanwell Corporation Limited	1 June 2023	\$263,400 (6 notices)
National Energy Retail Rules, rr. 124(1)(b), 124A(1)(b), 125(1): alleged failure to provide information packs, send reminder notices to customers who had not returned a medical form, send a deregistration notice to customers prior to deregistering their life support registration.	Aurora Energy Pty Ltd	12 August 2022	\$203,400 (3 notices)

Table 3 Court enforceable undertakings accepted

Obligation	Regulated entity	Date of undertaking	Status/outcome
National Electricity Rules r 4.15, cl 5.2.5: failure to comply with GPS.	5 AGL subsidiaries (Broken Hill Solar Plant)	29 June 2022	Ongoing
National Energy Retail Law, s 23(1): alleged failure to publish standing offer prices on website.	CovaU Pty Ltd	27 June 2023	Ongoing

Table 4 Administrative outcome

Obligation	Regulated entity	Status/outcome
National Gas Rules, r. 410(1): alleged failure to submit good faith bids to purchase gas on the STTM.	Shell Energy Retail	Ongoing

Table 5 Compliance audits completed

Obligation	Regulated entity	Status/outcome
Nil		

Table 6 Publications, consultations and events

Subject	Date
Publications	
Retail exempt selling guideline (Version 6)	July 2022
Exempt selling factsheets	July 2022
Compliance bulletin – semi-scheduled generators	July 2022
Compliance bulletin – Gas market transparency	September 2022
Compliance bulletin – Non-scheme pipeline information and disclosure	September 2022
Draft Network Exemptions Guideline and Notice of Draft	October 2022
Compliance bulletin – Contingency FCAS (update)	October 2022 (original published February 2022)
Compliance update – Provision of essential system services	November 2022
Compliance bulletin - Gas markets demand forecasting	November 2022
NEM Readiness Guide and checklist	November 2022
Compliance update – Gas transparency measures (GBB registration)	December 2022
June 2022 market events report	December 2022
Better bills guideline (Version 2)	January 2023
Compliance bulletin – Gas market transparency reform (reporting)	February 2023
Easy English and translated fact sheets for customers of exempt sellers	February 2023
Guidance note - NSW Coal miner compliance with coal market price emergency directions	February 2023
Guidance note - NSW Power station compliance with coal market price emergency directions	February 2023

Subject	Date
Retailer Reliability Obligation FAQs	December 2022 (updated March 2023)
Family violence interim guidance note	April 2023
Notice of consultation - amendment to the Day Ahead Auction (DAA) Record Keeping Guideline	April 2023
Joint ACCC/AER compliance bulletin – communicating pricing changes	May 2023
Final Guidelines and Decision – RRO Compliance Procedures and Guidelines	June 2023
Compliance bulletin – new obligations on gas pipeline, compression and storage service providers	June 2023
Guidance Note – Reserves and Resources Reporting by Gas Field Owners	June 2023
Workshops/forums/presentations	
Retail exemption Guideline webinar – NSW Caravan and Camping Industry Association	September 2022
Energising Queensland Conference	October 2022
Retail Exemption Guideline webinar - Aged and Community Care Providers Association	October 2022
EWON Exempt Entity and WICA Operational Advisory Group	September 2022 & March 2023

Glossary and abbreviations

Term	Definition
ACR	Annual Compliance Report
ACCC	Australian Competition and Consumer Commission
AEMO	Australian Energy Market Operator
AER	Australian Energy Regulator
APC	Administered price cap
AQL	Auction quantity limits
DAA	Day Ahead Auction
DNSP	Distribution network service providers
DWGM	Declared Wholesale Gas Market
FCAS	Frequency control ancillary services
GBB	Gas Bulletin Board
GCP	Generator Compliance Program
GPS	Generator Performance Standards
NCP	Net contract position
NEM	National Electricity Market
PASA	Projected assessment of system adequacy
RESP	Related electricity service provider
RRO	Retailer Reliability Obligation
SSG	Semi-scheduled generator
STTM	Short term trading market
TNSP	Transmission network service providers