

ERL 10

Post Audit Implementation Plan

July 2020 to June 2023
Audit Period



Perth Energy

Recommendation Reference	Audit Report Reference	Non-Compliance / Controls Improvement	Auditor's Recommendation	Management Action - Responsibility	Responsible person(s)	Target Completion date
01/2023	27	<p>Customer Transfer Code 2016 - Clause 4.5(1) - A retailer must submit a customer transfer request electronically and must not submit more than a prescribed number of customer transfer requests in a business day or with the same nominated transfer date, unless otherwise agreed.</p> <p>COMPLIANCE FINDING:</p> <p>The Licensee lacks a verifiable process to evaluate compliance with the prescribed number of customer transfer requests in a business day or with the same nominated transfer date, unless otherwise agreed.</p> <p>Whilst verification of increase to CTR limits was not provided, the CTR reports generated from Gentrack indicated that increases were required:</p> <p>(i) more than 20 CTRs in a business day on 16 separate occasions</p>	<p>Due to the undetermined cause of anomalies noted and the requirement for both the control procedures and the control environment to be significantly improved, the Licensee should undertake a comprehensive review of its current processes related to Customer Transfer Requests (CTRs) and compliance reporting. This entails a multifaceted approach aimed at ensuring accuracy, transparency, and adherence to regulatory obligations as defined by its Electricity Retail Licence. Specifically, the Licensee is advised to:</p> <ul style="list-style-type: none"> • Conduct a review of the CTR processes as defined by the relevant procedures of the Western Power Build Pack. • Improve control procedures and control environment particularly with respect to the implementation of robust mechanisms for monitoring compliance and promptly identifying and addressing any instances of non-compliance. • Improve Data Management practices to reflect accurate and relevant information 	<p>PE will thoroughly review CTR processes and provide refresher training to the Customer Operations team about Perth Energy's (PE) obligations</p> <p>As recommended, PE will review whether Gentrack can be enhanced and prepare a report that specifies Western Power's reasons why CTRs are accepted or rejected e.g. if any CTRs have been rejected as being outside of the required timeframes.</p> <p>PE will determine whether Gentrack can report on any instances where CTR activity has breached licence obligations.</p> <p>PE will examine ways to ensure that potential issues with multi-access spreadsheets used for control can be minimised.</p> <p>Should Gentrack not be able to provide the required functionality</p>	Manager WA Commercial	31 Aug 24

	<p>(ii) more than 20 CTRs with the same nominated transfer date on 15 separate occasions</p> <p>However, it was noted that for the one NMI for which it was provided, the Western Power TransNack (i.e. WP reject response vs TransAck WP accept response) provided the explanation for the rejection as "Exceeded number of requests for transfer date 04-JAN-22". When cross referencing the date 4/1/2022 with the export from the Gentrack of CTRs during the audit period it was noted that on the 4/1/2022 a total of 52 CTRs were requested with the same nominated transfer date of which 14 were Status "Cancel".</p> <p>It was not clear from the Gentrack CTR export information provided whether Perth Energy sought agreement from WP for an increase for 52 CTRs with the same nominated transfer date for the 4/1/22 and if so why were there 14 CTRs cancelled.</p> <p>As such, despite staff indicating they understand these requirements and having control procedures reflecting them, the Licensee could not generate the reports from Gentrack to verify compliance. Additionally, where anomalies were identified, the Licensee was not able to provide an explanation for the "CANCEL" status of the CTR which supported the other records provided. This indicated the control environment required significant improvement in order for</p>	<p>(i.e. Determine if Gentrack can be revised to generate the report required.)</p> <ul style="list-style-type: none"> Ensure the roles and responsibilities for compliance with the requirements are clearly understood by all responsible persons. 	<p>PE will explore an alternative solution.</p>		
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		Perth Energy to determine compliance and understand the cause of the anomalies.				
02/2023	29	<p>Clause 4.7 - A retailer must nominate a transfer date in a customer transfer request in accordance with specified timeframes, except if the customer transfer request is to reverse an erroneous transfer.</p> <p>COMPLIANCE FINDING:</p> <p>The Licensee lacks a verifiable process to evaluate compliance with the specified timeframes in the nomination of a transfer date. The CTR reports generated from Gentrack do not allow for the identification of rejected CTRs, however, a record in the TransNack from Gentrack indicated that a CTR rejection occurred during the audit period. This was the only example of CTR TransNack provided and was not a routine practice for the licensee in evaluating compliance. Assessment of compliance could not be determined from the information provided. It was noted that a review of all CTRs during the audit period indicated there were several deviations from the specified timeframes where CTRs were showed a “CANCELLED” status in Gentrack but the reason for the transfer status was not determinable i.e. if was rejected. It was also apparent that these deviations occurred in 2021/2022 when the person responsible was on a leave of</p>	<p>The Licensee should review the WP Web Portal CTR records against the Gentrack system (or other appropriate means) to determine if transfers were rejected because they were not undertaken within the specified timeframes., With respect to “cancelled” transfers the licensee should establish processes to ensure “cancelled” transfer codes and explanations are identified as required, as specified in Western Power Build Pack - Customer Transfer and Standing Data Procedure: November 2019. Additionally, the Electricity Compliance Reporting Manual specifies the obligation as a Type 2 reportable compliance requirement. This mandates the identification of Type 2 licence conditions that have been breached and as specified in the Audit Guidelines (section 1.5.1) included the requirement that compliance be thoroughly assessed for integrity of data and reported to the ERA by 31 August each year. Additionally, internally developed control processes used by the licensee to assist with the workflow in relation to CTRs were at risk of unintentional data overrides or modifications. As such, to ensure data integrity of compliance reporting and of internal data used to control compliance with CTR it is recommended the Licensee:</p> <p>a) review the CTRs undertaken with Gentrack and determine whether there is a report that can specify any “rejected” CTRs* that may have been submitted by Perth Energy as the incoming retailer outside the specified timeframes. Alternatively, liaison with Western Power in relation to obtaining the data from the Web Portal is recommended.</p>	<p>This work will be undertaken in association of the actions for recommendation 01/2023 (obligation 27).</p>	<p>Manager WA Commercial</p>	<p>31 Aug 24</p>

		<p>absence. As such control processes to determine compliance with this requirement were considered to be inadequate.</p> <p>The Electricity Compliance Reporting Manual specifies the obligation as a Type 2 reportable compliance requirement. This mandates the identification of Type 2 licence conditions that have been breached and as specified in the Audit Guidelines (section 1.5.1) included the requirement that compliance be thoroughly assessed for integrity of data and reported to the ERA by 31 August each year.</p> <p>Additionally, internally developed control processes used by the licensee to assist with the workflow in relation to CTRs were at risk of unintentional data overrides or modifications.</p>	<p>b) strengthen control processes and revise relevant Control Procedure to ensure nominated transfer dates comply with legislative requirements.</p> <p>c) explore data management systems that safeguard against such vulnerabilities in relation to the multi-accessible Excel spreadsheets (i.e., Business Support Tracking Spreadsheets) key control processes.</p>			
03/2023	82	<p>Regulation 8 - A non-standard contract must give an exact description of the goods and services that the retailer will provide under the contract.</p> <p>COMPLIANCE FINDING:</p> <p>The versions of the non-standard contract reviewed during the audit period referred to other goods and services but did not specifically list them or give an exact description of the goods and services in the contract. A similar observation was made by the ERA during the review process of</p>	<p>Perth Energy should revise the Non-Standard Contract (NSC) to explicitly reference any additional goods (other than the supply of electricity) and services referenced throughout the NSC. Specifically, Perth Energy should take the following corrective action:</p> <ul style="list-style-type: none"> Develop and integrate a comprehensive goods and services clause to clearly indicate any goods or services offered beyond electricity (i.e. in the 'Electricity Supply Agreement - Application and 	<p>In attempting to address the auditor's recommendation, PE instructed an external legal firm to make the required wording changes.</p> <p>However, upon review that same firm provided legal advice that PE is in fact compliant with this obligation.</p> <p>Consequently, PE is taking no further action regarding this finding.</p>	No further action is required	

		standard form contract. Application of corrective actions to similar areas of concern was not evident.	<p>Commercial Terms' and/or the 'Terms & Conditions' Section 1 Interpretation.</p> <ul style="list-style-type: none"> • Ensure clarity and accessibility - the clause must be clear, easily understandable, and free from technical jargon to ensure that consumers can fully comprehend the scope of services and goods provided. Additionally, Perth Energy should review the content of the website to ensure no contradictory or unintentional information is published. • Implement and communicate regulatory change to customers - refer to obligation 90. 			
04/2023	87	<p>Regulation 13 - A non-standard contract must describe the prices payable and the circumstances in which the prices are payable, plus the way the retailer publishes and gives notice of variations to its prices information.</p> <p>COMPLIANCE FINDING:</p> <p>The Licensee's NSC described the prices payable by the customer under the contract and the circumstances in which those prices were payable. However, the requirements in relation to the <i>Electricity Industry (Customer Contracts) Amendment Regulations 2022</i> were not evident. Specifically, the NSC did not specify 13(2)(a)(b).</p> <p>The requirements did not appear to be reflected in the Draft Schedule to <i>Electricity Supply Agreement</i>:</p>	<p>The Licensee should review the Non-Standard Contract, comprised of the Perth Energy Electricity Supply Agreement and the Schedule to Electricity Supply Agreement: Standard Terms & Conditions to ensure they comply with the Electricity Industry (Customer Contracts) Regulations 2005 and the Electricity Industry (Customer Contracts) Amendment Regulations 2022.</p> <p>Additionally, to further ensure ongoing compliance:</p> <ol style="list-style-type: none"> a review of the control processes and procedures to identify changes to legislative requirements should be undertaken. the method to identify the control processes (i.e. procedures, checklists, contractual document, systems, etc.) that are required to be amended in accordance with the legal obligations should be reviewed. 	<p>In attempting to address the auditor's recommendation, PE instructed an external legal firm to make the required wording changes.</p> <p>However, upon review that same firm provided legal advice that PE is in fact compliant with this obligation.</p> <p>Consequently, PE is taking no further action regarding this finding.</p>	No further action is required	

		<p><i>Standard Terms and Conditions (Small Use) 2023.</i></p> <p>It is noted regulation 13(2)(a-b) came into effect on 1st January 2023 and as such the non-compliance applied to the period 1/1/23 to 30/6/2023. Additionally, the control processes were inadequate as there was an absence of internal monitoring and a well established and implemented document control system.</p>	c) an internal audit program for assessment of compliance with the legal obligations should also be established.			
05/2023	89	<p>Regulation 15 - A non-standard contract must describe the matters relating to the termination of the contract that are specified in the regulation.</p> <p>COMPLIANCE FINDING:</p> <p>The Licensee's NSC Terms & Conditions version ESA.001.0520 (which was applicable for approximately 2/3 of the audit period) did not describe the matters relating to the termination of the contract that are specified in the regulation. Specifically in relation to subclauses 15(2)(c),(ca), 3(b),(c) and 4. Additionally, the control processes were inadequate as there was an absence of internal monitoring to determine compliance and a well established and implemented document control system. It was noted subsequent versions of the NSC were compliant.</p>	Refer to recommendation 04/2023 as related to obligation 87.	PE's NSC has met this obligation since March 2022.	No further action is required	
				No further action is required.		

06/2023	90	<p>Regulation 16(1A), 16(2) and 34 - A non-standard contract must inform the customer that the provisions of the contract may be amended without the customer's consent and describe the process for amending the contract, including requirements for approval and the way in which the amendment will be published. The non-standard contract must require the retailer to notify the customer of any amendment to the contract.</p> <p>COMPLIANCE FINDING:</p> <p>During the audit period 1 January 2023 to 30 June 2023, the non-standard contract informed customers that the non-standard contract provisions may change from time to time without their consent but did not specifically reference that the amendments were to ensure that the contract remained consistent with written law.</p> <p>Although, the non-standard contract did note that the Perth Energy would notify the customer of any changes to the Agreement and that if the customer did not agree with the amendments, the customer had options in relation to the Agreement in accordance with the termination clause of T&Cs, there was no customer notification of amendments to non-standard contracts.</p> <p>Additionally, the control processes were inadequate as there was an absence of internal monitoring and a</p>	<p>Review the process for amending the non-standard contract and update the clause in relation to "amendment of this agreement" to reflect the requirements of the Code of Conduct 2022.</p>	<p>PE amended its template NSC to include the new requirement under 16(1A) in Q4 2023.</p> <p>All new NSC entered since this revision meet the requirements of 16(1A).</p> <p>PE has also engaged a legal firm to draft a communication to all Small Use Customers who are on older versions of NSC, to inform them of all the 2023 legislative changes and the subsequent changes to their terms and conditions.</p> <p>This communication has been sent to all active Small Use Customers on older versions of PE's NSC, making them compliant with current legislation.</p> <p>No further action is required</p> <p>PE has commenced a process to recruit an additional resource to specifically manage its Risk and Compliance obligations</p> <p>Part of this role is to ensure PE management is kept up to date with legislation and code of conduct changes that may impact contract terms and conditions.</p>	<p>No further action is required</p>	
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		well established and implemented document control system.				
07/2023	92	<p>Regulation 18 - A non-standard contract must describe the procedures that must be followed by the retailer in responding to a complaint made by a customer.</p> <p>COMPLIANCE FINDING:</p> <p>The NSC stated that the information for complaints process was located on the Perth Energy’s website and detailed the customers right to have their complaint considered by the Electricity Industry Ombudsman.</p> <p>However, the Perth Energy website link for the Complaint Handling Procedure referenced in the T&Cs was not functional (refer https://www.perthenergy.com.au/help/complaints/). This link was located under the Regulatory information section AGL Perth Energy Complaints Handling.</p>	The Licensee should ensure the functionality of the website link for AGL Perth Energy Complaints Handling Procedure be re-established and review website processes to ensure regulatory information is available at all times	<p>The functionality of this specific website link does now work.</p> <p>Note though that the actual Complaint Handling Procedure was always available on the website, it is the link to it from the NSC that wasn’t functional.</p> <p>In terms of improving controls, regular monitoring of the website and regulatory links to the website will form part of the position description for the new Risk and Compliance Advisor role PE is recruiting for.</p>	No further action to address the specific issue of the website link.	
08/2023	98A	<p>Regulation 34(A) - A non-standard fixed term contract must detail the contract expiry date, customer options available for supply following expiry, the terms and conditions that apply after expiry and the way the retailer will provide the notification in the manner specified.</p> <p>COMPLIANCE FINDING:</p> <p>Compliance with the information relating to expiry of fixed term contract obligation was applicable for the audit period 01/01/2023 to 30/6/2023 and as such was only applicable to T&Cs</p>	Refer Recommendation 04/2023 as related to obligation 87	<p>NSC version ESA.002.072023 (July 2023) included revised wording to fully meet Regulation 34(A).</p> <p>When entering into a NSC all customers also sign a Commercial Terms Document.</p> <p>This document includes commercially negotiated items which includes the contract expiry date.</p>	No further action is required	

	<p>version ESA.002.032022. Compliance was confirmed for sub regulations 34A(1)(b)(c)(d), (3) & (4) but not 34A(1)(a) and (2),</p> <p>A review of the T&Cs indicated that with respect to information relating to the expiry of a fixed term contract, the Licensee's Terms & Conditions (NSC) did not meet the requirements with respect to:</p> <ul style="list-style-type: none"> ▪ 34(A)(1)(a) which required the Licensee to notify the customer of the day on which the contract was due to expire. The terminology used indicated that Perth Energy "may" notify (refer Clause 22(a)) and as such did not expressly require them to notify the customer. <p>34(A)(2) which stated that the notification in relation to expiry date of the contract be given not more than 40 business days and not less than 20 business days before the day on which the contract was due to expire. There was no specific timeframe detailed within the T&Cs relating to notification in relation to expiry date.</p> <p>A sample review of small use customer non-standard contracts indicated at least one customer was not advised in accordance with Clause 34(A)(2) (refer details obligation 132).</p> <p>As such, the control processes were inadequate as there was an absence of internal monitoring and a well established and implemented document control system.</p>		<p>With respect to informing customers of their contractual options at expiry, since Dec 2023, PE now automatically sends customers a written communication (within the required timeframes) using the Gentrack billing system. This replaces a list of expiring customers that was provided to the Retail team to act on.</p> <p>PE notes there is a distinction between the requirements for the notification wording in a NSC and the actual notification itself.</p>		
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09/2023	108	<p>Licence Condition 6.4.1 - A retail or integrated regional licensee must not supply electricity to a small use customer otherwise than under a standard form contract or a Non-Standard Contract that complies with the Act.</p> <p>COMPLIANCE FINDING:</p> <p>Due to significant amendments to legislation such as the <i>Electricity Industry (Customer Contracts) Regulations</i> and the <i>Code of Conduct for the Supply of Electricity to Small Use Customers</i> the requirement that the contracts conformed to the provisions of this Act could not be confirmed (for example, refer obligations 82, 86,)</p> <p>The Licensee's control processes were inadequate in relation to document control, internal monitoring and timely amendment due to legislative changes. Although an external third party was used to ensure contract compliance the approved version of the non-standard contract was approved outside of the audit period.</p>	Refer recommendation 04/2023 as related to obligation 87.	<p>Revisions to PE's template Small Use NSC wording were effective from July 2023 and then Oct 2023 that address the legislative and Code of Conduct changes respectively.</p> <p>PE has also engaged a legal firm to draft a communication to all Small Use Customers who are on older versions of NSC, to inform them of all the 2023 legislative changes and the subsequent changes to their terms and conditions.</p> <p>This communication has been sent to all active Small Use Customers on older versions of PE's NSC, making them compliant with current legislation.</p> <p>No further action is required</p>	No further action is required.	
10/2023	114	<p>Licence Condition 6.3.1 - A licensee must ensure that an electricity marketing agent of the licensee complies with the Code of Conduct for the Supply of Electricity to Small Use Customers 2022</p> <p>COMPLIANCE FINDING:</p> <p>Records confirming the Licensee's employees who undertook sales and</p>	Review the training material related to sales and marketing functions and update to ensure compliance with the Code of Conduct for the Supply of Electricity to Small Use Customers 2022.	<p>PE will develop a Code of Conduct training package that incorporates key requirements from the code changes from previous versions.</p> <p>PE will investigate whether this can be linked into the AGL on-line training system to ensure that training is recorded and</p>	Manager WA Commercial	31 Aug 2024

		<p>marketing activities on behalf of the retailer were trained to ensure they were of their obligations under the Code of Conduct were not provided for review.</p> <p>Additionally, a review of the training programs for sales and marketing personnel were outdated and had not been reviewed during the audit period or since the 2022 Code of Conduct came into effect 20 February 2022.</p> <p>Rating of compliance with the obligation was not undertaken as there is some ambiguity in relation to the definition of electricity marketing agents in the Code of Conduct and their application to the retailer's employees. The ERA advised this would be reviewed during the next scheduled Code of Conduct review.</p> <p>However, the Licensee's control processes were inadequate in relation to training materials, training required, training records, document control, internal monitoring and amendment due to legislative changes.</p>		<p>reminders are issued. If this is not possible, PE will ensure that its internal system achieves this.</p> <p>Implementation of this recommendation is predicated on the definition of Electricity Marketing Agent including a retailer's employees.</p>		
11/2023	124	<p>Licence Condition 4.5.1 - A licensee must provide the ERA, in the manner prescribed, with any information that the ERA requires in connection with its functions under the Electricity Industry Act.</p> <p>COMPLIANCE FINDING:</p> <p>The Licensee was required to provide the following information to the ERA during the audit period:</p>	<p>It Is recommended in order to ensure clarity in compliance requirements and their integration into daily operations that the Licensee:</p> <ul style="list-style-type: none"> a) Develop a process and/or procedure for publishing compliance-related information on their website or to the customer within the required time-frame. b) Streamline compliance documentation and processes, ensuring proper document control is applied. 	<p>Publishing of compliance related information will be reviewed, and an improved process adopted in order to meet ERA requirements</p> <p>This will explicitly consider the recommendations made in respect to recommendations c), d) and e) within this obligation 124.</p>	Manager WA Commercial	31 Aug 2024

		<ul style="list-style-type: none"> Annual Compliance Report by 31 August. Standing Charges Data by 30 September annually. Electricity Retail Licence Performance Reporting Datasheets by 30 September annually. <p>Specific details in relation to compliance with each of these areas is referenced in Appendix 1.</p> <p>The control processes for the reporting of these compliance requirements were inadequate, especially internal audit practices, did not sufficiently ensure timely and accurate reporting by the Licensee to ERA. Evidence of timely reporting by the Licensee to the ERA was not able to be provided in all circumstances. Compliance seemed to depend on individual knowledge rather than being part of standard business processes.</p>	<p>c) Revise the compliance processes and procedures to act as an internal audit mechanism, ensuring compliance, records management, internal identification of issues as well as accurate and consistent annual reporting to the ERA.</p> <p>d) Review training documentation and delegation of authority protocols in relation to the Electricity Retail Licence obligations.</p> <p>e) Review options to highlight compliance requirements within documentation to ensure the obligations are well understood, for example, mark compliance obligations by underlining them, marking them bold, containing in text boxes or highlighting within the documents.</p> <p>Where obligations require to be developed, maintained and implemented ensure there is an adequate process established for compliance, for example obligations 220, 298, 307A.</p>	<p>A centralised email box for all compliance activities has been established. This will ensure that PE's compliance related information is kept centrally, rather than on individual email locations.</p> <p>PE has commenced a process to recruit an additional resource to specifically manage its Risk and Compliance obligations</p> <p>A key part of this role is to manage PE's licence reporting obligations.</p>		
12/2023	125	<p>Licence Condition 3.8.1 & 3.8.2 - A licensee must publish any information as directed by the ERA to publish, within the timeframes specified.</p> <p>COMPLIANCE FINDING:</p> <p>The licensee failed to publish some information as directed by the ERA to publish, within the timeframes specified.</p> <p>For example, the Electricity Retail Licence Performance Reporting Datasheets for the reporting years 2020-2022. The 2021/22 Electricity Retail Annual Performance Data was</p>	Refer recommendation 11/2023 as related to obligation 124.	See actions proposed in relation to obligation 124.	Manager WA Commercial	31 Aug 2024

		<p>not published within 7 days of receiving the notification from the ERA. The non-compliance was noted in an email from the ERA to Perth Energy.</p> <p>Confirmation as to whether the 2020 and 2021 Electricity Retail Licence Performance Reporting Datasheets were published within the 7 day timeframe was not able to be provided by the Licensee.</p> <p>Additionally, the control environment was not robust enough to ensure compliance in the extended absence of key personnel.</p>				
13/2023	132	<p>Code of Conduct, clause 10(1) - A retailer or electricity marketing agent must ensure that non-standard contracts, which are not unsolicited consumer agreements, are entered into according to the manner set out, and the contract is provided as specified, in clause 10(1).</p> <p>COMPLIANCE FINDING:</p> <p>A non-compliance was noted on 10 November 22 where Perth Energy failed to send a renewal notice to the customer within the required timeframe (i.e., 40 business prior to contract expiry). As such, verifiable consent was obtained retrospectively. It was noted the customer was made aware of the issue and was compensated as required to ensure they were not charged at a higher rate unnecessarily.</p>	Refer recommendation 11/2023 as related to obligation 124.	<p>PE will develop an internal Code of Conduct training package that incorporates key requirements from the code like 10(1).</p> <p>Also see recommendation 10/2023.</p> <p>PE will review its internal processes to ensure verifiable consent to enter a NSC has been obtained and recorded.</p>	Manager WA Commercial	31 Aug 2024

		<p>It was understood that for the 2021/2022 reporting period, compliance responsibility was temporarily assigned to an alternate individual and the compliance requirement was overlooked.</p> <p>The Licensee control environment was not robust enough to ensure compliance in their absence.</p>				
14/2023	133	<p>Code of Conduct, clause 10(2) - A retailer or electricity marketing agent must ensure that the information specified in subclause 10(2) is provided to the customer before entering into a non-standard contract.</p> <p>COMPLIANCE FINDING:</p> <p>For the period 1 July 2020 to February 2022 the Licensee did not provide the information specified in subclause 10(2) to customers prior to entering a NSC. Perth Energy did not include a statement in its T&Cs (refer version ESA.001.0520) that the residential customer may be eligible to receive concessions and how the residential customer may find out about their eligibility to receive those concessions (as required by clause 2.3(2)(f) of the 2018 Code of Conduct). The inclusion of the requirements was noted in the NSC version ESA.002.032022, however the two residential customers NSC were only renewed in 1/6/2022 and 21/9/2022 as such compliance</p>	Refer recommendation 11/2023 as related to obligation 124.	<p>This finding relates to providing concession information to PE's residential customers prior to renewing their current fixed term contracts during the early part half of the audit period.</p> <p>Inclusion of this specific information has been included in PE's Small Use NSC since March 2022, making PE compliant since that time.</p> <p>PE has decided it will cease selling electricity to contestable residential customers and therefore will have no such customers once these current contracts expire.</p>	No further action is required.	

		<p>was noted from June and September 2022 respectively. The updated T&Cs were not provided to the customers until contract renewal. Additionally, the residential customers were in some instances noted to have neem provided the Business Energy Supply – SUC Information Pack which did not include details of concessions.</p> <p>It was noted that the residential customers that Perth Energy supplied electricity to during the audit period did not apply or enquire about residential concessions or financial hardship.</p> <p>The Licensee’s control processes were inadequate in relation to document control, internal monitoring, communication of legislative changes to customers and timely amendment due to legislative changes.</p>				
15/2023	135	<p>Code of Conduct, clause 10(5) - Subject to subclause 10(4), a retailer or electricity marketing agent must obtain the customer’s verifiable confirmation that the specified information in subclause 10(2), as applicable, has been provided.</p> <p>COMPLIANCE FINDING:</p> <p>For the duration of the audit period March 2022 to June 2023 when entering an NSC, the Licensee required the customer to provide a signed NSC, the signed ESA was considered verifiable consent that the specified information had been provided. As such, Licensee ensured</p>	Refer to recommendation 11/2023 as related to obligation 124.	<p>This finding relates to obtaining verifiable confirmation when providing concession information to PE’s residential customers.</p> <p>Inclusion of this specific information has been included in PE’s Small Use NSC since March 2022.</p> <p>A customer returning a signed NSC therefore makes PE compliant.</p> <p>PE has decided it will cease selling electricity to contestable residential customers. It will therefore have no such</p>	No further action is required.	

		<p>customer provision with requirements from the 2022 Code of Conduct (clause 10(2)(a-c)) and the 2018 Code of Conduct (clause 2.3(2)(f)), as evidenced in Schedule to Electricity Supply Agreement: Standard Terms and Conditions (Small Use) ESA.002.032022.</p> <p>However, for the period 1 July 2020 to June 2022 (i.e. date of residential customer renewal with compliance NSC) the Licensee did not include a statement in its T&Cs (refer version ESA.001.0520) that the residential customer may be eligible to receive concessions and how the residential customer may find out about their eligibility to receive those concessions (as required by clause 2.3(2)(f) of the 2018 Code of Conduct). As such, the signed ESA was not able to be considered verifiable consent that the specified information had been provided.</p> <p>Additionally, the Licensee's control environment did not adequately address the legislative requirements through document control process, internal monitoring and communicating the changes to customers.</p>		customers once these current contracts expire.		
16/2023	220	<p>Code of Conduct, Clause 46(1) - A retailer must develop, maintain and implement a hardship policy and hardship procedures to assist customers experiencing financial hardship to meet their financial</p>	Refer to recommendation 11/2023 as related to obligation 124.	Since PE still has (a very small number of) residential customers a review of the existing Hardship Policy will be undertaken. The review will cover the 2023 legislative and code of conduct	Manager WA Commercial	31 Aug 2024

		<p>obligations and responsibilities to the retailer.</p> <p>COMPLIANCE FINDING:</p> <p>The Licensee has developed and implemented a hardship policy and hardship procedures to assist customers experiencing financial hardship to meet their financial obligations and responsibilities to the retailer. Perth Energy's Hardship Policy was available on the Licensee's and the ERA's website. However, the Licensee has not maintained (i.e. kept in effect once it has been developed and implemented, including consideration of legislative and other amendments) the hardship policy during the audit period.</p> <p>It was noted the policy has not been reviewed since publication on the ERA website on 4/9/2018 and has not been reviewed since the <i>Code of Conduct 2022</i> came into effect in 20 February 2023. It was noted that some information in relation to concessions was outdated. For example, information contained in the policy in relation to concessions was outdated. For example, the Hardship Utility Grant Scheme (HUGS) grant qualifying period was 90 days not 180 days as stated in the policy (refer Appendix 1 for specific detail),</p>		<p>changes that may impact the policy.</p> <p>PE has decided it will cease selling electricity to contestable residential customers. It will therefore have no such customers once these current contracts expire.</p>		
17/2023	236	<p>2018 Code of Conduct, Clause 7.7(2) - A retailer must undertake the actions specified in subclauses 7.7(2)(e)-(g), if a customer registered</p>	<p>Refer to 23/2023 Recommendation made for obligation 297B as this obligation has been removed from the Electricity Compliance Reporting</p>	<p>See obligation 297B</p>		

	<p>with a retailer under subclause 7.7(1) notifies the retailer:</p> <ul style="list-style-type: none"> • that the person requiring life support equipment is changing supply address; • that the customer, but not the person requiring life support equipment, is changing supply address; • of a change in contact details; or • that the address no longer requires registration as life support equipment address. <p><i>Note: Obligation deleted from Electricity Compliance Reporting Manual – February 2023. As such the obligation was only applicable to the audit scope from 1 July 2020 to 20 February 2023</i></p> <p>COMPLIANCE FINDING:</p> <p>During the audit period 1/7/2020 to 19/2/2023 2 of the 3 customers who were registered with Perth Energy under sub clause 7.7(1) notified the retailer that the customers supply address no longer required registration as a life support equipment address (as required by sub clause 7.7(2)(d)).</p> <p>Non-compliances were noted with respect to a registered life support customer, Perth Energy did not comply with sub clauses 7.7(2) (e) and (f)(i) as follows.</p> <ul style="list-style-type: none"> ▪ sub clause 7.7(2)(e) - Perth Energy was advised by the life support customer that they no longer required life 	<p>Manual – February 2023 in accordance with 2022 Code of Conduct requirements.</p>			
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		<p>support at the supply address because the premise was vacant on the 9/3/2022 and although the Licensee notified Western Power via email on the 28/3/2022 they did not action the CDN change in Gentrack until the 4/4/2022.</p> <ul style="list-style-type: none"> sub clause 7.7(2)(f)(ii) – The Licensee did not advise Western Power of the change to life support registration requirements for the customers supply address, as specified in Perth Energy’s internal email records on the 9/3/2022, which indicated they should have advised Western Power on the same day (i.e. notification was received prior to 3pm). <p>Controls process were noted to be generally adequate, however improvements were required to ensure compliance.</p>				
18/2023	240	<p>2018 Code of Conduct, Clause 7.7(6) - A retailer must contact the customer to ascertain whether life support equipment is required or to request re-certification in the timeframe, manner and circumstances specified in subclause 7.7(6).</p> <p>COMPLIANCE FINDING:</p> <p>During the audit period 1/7/2020 to 19/2/2023 of the 3 life support</p>	Refer to 23/2023 Recommendation made for obligation 297B as this obligation has been removed from the Electricity Compliance Reporting Manual – February 2023 in accordance with 2022 Code of Conduct requirements.	See obligation 297B		

		<p>customers, there were two customers who were already registered with Perth Energy as life support customers as life support customers and were required to be contacted to ascertain their life support equipment requirements or request-certification as specified by sub clause 7.7(6). With respect to registered life support customer), Perth Energy did not comply with sub clauses 7.7(6) (a) (b) as follows.</p> <ul style="list-style-type: none"> ▪ sub clause 7.7(6)(a)(i) and (ii) - The Perth Energy Life Support Register indicated that the anniversary date of the confirmation from the appropriately qualified medical practitioner 4/9/2018 as such, in accordance with sub clause 7.7(6)(ii). As such, during the audit period the Licensee was required to contact the customer request re-certification for the registration life support equipment at the supply address for anniversary date 4/9/21. Perth Energy did not provide records to confirm this occurred and the Licensee's Life Support Register did not reflect this occurrence. It was noted that the window for confirmation of this requirement would have been 4/6/21 to 4/12/21. ▪ sub clause 7.7(6)(b) – Compliance with the 			
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		<p>provision of a minimum period of 3 months was not confirmed. When the Licensee contacted the customer in February, following the request from Western Power to confirm life support (i.e. 16/2/22), the customer was requested to provide the certification on 23/2/22 and then contact again on 3/3/22 and requested to provided the information as a matter of urgency.</p> <p>The control processes for the Licensee were noted to be inadequate, for example there was not internal audit process established, control procedures did not accurately reflect the requirements, demonstration of understanding of obligations in relation to notifying Western Power within specified timeframes was not provided, records were not readily available and did not reflect compliance requirements.</p>				
19/2023	241	<p>2018 Code of Conduct, Clause 7.7(7) - retailer or a distributor must remove the customers' details from the life support equipment register in the circumstances and timeframes specified in subclause 7.7(7).</p> <p>COMPLIANCE FINDING:</p> <p>The Licensee confirmed that during the audit period 1/7/2020 to 19/2/2023, Perth Energy removed 2 of the 3</p>	Refer to 23/2023 Recommendation made for obligation 297B as this obligation has been removed from the Electricity Compliance Reporting Manual – February 2023 in accordance with 2022 Code of Conduct requirements.	See obligation 297B		

		<p>registered life support customers' details from the life support equipment register in the circumstances and timeframes specified in subclause 7.7(7). The Licensee was non-compliant in relation sub clause (7)(a)(i)(ii)(iv) as they failed to meet the timeframe limitations with respect to the removal of the customers details from the life support equipment address register after being made aware of matters (7)(a)(i) and (ii) for life support customers.</p> <p>It was noted that the Licensee's control process did not provide for the identification if there was more than one person who resided at the supply address and whether the removal of registration was for all customers or there was another person who continued to require life support equipment</p>				
20/2023	271D	<p>Code of Conduct, Clause 68(1) - The retailer must publish on its website the information detailed in subclause 68(1).</p> <p>COMPLIANCE FINDING:</p> <p>A review of the Licensee's documentation and website confirmed that for the audit period 20 February 2023 to 30 June 2023 the Licensee did not comply with publishing on its website the following mandated subclauses of the 2022 Code of Conduct Clause 68(1)(a)(ii),(d),l and (g).</p>	Refer recommendation 11/2023 as related to obligation 124.	<p>For 68 (1) (g) and (d) respectively the 2022 Code of Conduct and PE's Family Violence policy are available on PE's website.</p> <p>68(1) (a) (ii) refers to stating the name and contact details of the organisation responsible for administering the types of concessions PE offers (if PE is not itself responsible for doing it).</p> <p>PE's website has stated the following throughout the audit period</p>	Manager WA Commercial	31 Aug 2024

				<p>"AGL Perth Energy does not offer any concession for our energy customers as the energy rebate for gas and electricity usage is funded by the State Government and is administered by Synergy through your Synergy electricity account. If you hold a valid government concession such as a Seniors' Card (State Government), Health Care Card, a Pensioner Concession Card or a Department of Veterans' Affairs Card, you may be eligible for this rebate. For more information, visit the Synergy website."</p> <p>The relevant text on PE's website will be reviewed and, if necessary, updated to ensure it is accurate.</p>		
21/2023	280	<p>Code of Conduct, Clause 73 - At least once a year, a retailer must provide a customer with written details of the retailer's and distributor's obligations to make payments to the customer under Part 14 or under any other written law, including the amount of the payment and the eligibility criteria for the payment.</p> <p>COMPLIANCE FINDING: Compliance with service standard payments notification has not been achieved by the Licensee for the previous 2 audit periods. Non-</p>	<p>Compliance with service standard payments notification has not been achieved by the Licensee for the previous 2 audit periods. Non-compliance was again noted in the current audit period. The corrective action taken previously has not triggered action in the absence of key personnel as it was not embedded into the process and there was no internal monitoring established. To ensure ongoing compliance the licensee should:</p> <p>a) The Salesforce CRM has the capability of automatically sending reminders. Creating a profile for the Electricity Retail Licence or the ERA as a customer would enable compliance tasks to be scheduled against the profile and</p>	<p>PE has commenced a process to recruit an additional resource to specifically manage its Risk and Compliance obligations</p> <p>Part of this role is to ensure an automatic Service Standard Payment communication is sent to all small use customers on 30 June each year.</p> <p>PE's billing system will be utilised to send the communications.</p> <p>See also response to recommendation 11/2023.</p>	Manager WA Commercial	30 June 2024

		compliance was again noted in the current audit period. The corrective action taken previously has not triggered action in the absence of key personnel as it was not embedded into the process and there was no internal monitoring established.	ensure action was prompted, for example such as those specified in the Compliance Assurance Plan 2023. Refer to recommendation 11/2023 (obligation 124).			
22/2023	297B	<p>Code of Conduct, Clause 82(2) - If a customer provides the retailer with confirmation from an appropriately qualified medical practitioner that a person residing at the customer's supply address requires life support equipment, the retailer must, in accordance with the relevant standard, register the customer's supply address as a life support equipment address, register a person's contact details, as prescribed under subclause 82(6) in relation to the supply address and provide that information to the distributor.</p> <p>COMPLIANCE FINDING:</p> <p>During the audit period, 20/2/2023 to 30/6/2023 the Licensee had one life support customer who provided Perth Energy with confirmation from an appropriately qualified medical practitioner (dated 9/5/2023) that a person residing at the customer's supply address required life support equipment. It was noted that this was the second person reported as residing at the same customers supply address with the previous person confirmed by an appropriately qualified medical practitioner on the 19/5/2022. Registration and notification of the</p>	<p>The Licensee was non-compliant for the audit period 20/2/2023 to 30/6/2023 for the current life support customer in relation sub clause 82(6) and there was limited ability to verify compliance in relation to sub clause 82(2) as the Licensee's control processes were not adequate. As such the following recommendations are made:</p> <ol style="list-style-type: none"> i. Update the control procedures in relation to Life Support customers in accordance with the requirements of 2022 Code of Conduct. ii. Establish a monitoring and review process (i.e. implementation of the Compliance Assurance Plan) iii. Liaise with Western Power contact to confirm compliance with the process and determine how to manage new customers if life support already attached to Customer Details, and how to comply with the requirements for new person(s) residing at an existing supply address. iv. Review Non-Standard Contract, Salesforce and communication records for all life support customers to identify potential non-compliances reportable in the 2024 Annual Compliance Report. v. Update the requirements of the Life Support Register and include a record of the notification to WP, registration details for person(s) residing at the supply address in the Life Support Register or in Salesforce vi. Review training with sales and business support personnel and maintain records as appropriate. 	<p>The audit has highlighted an anomaly within the Code in that a retailer is required to register a life support customer's equipment address and contact details.</p> <p>For a retailer, the customer is the holder of the account, which could be a care facility or similar, not necessarily the individual who uses the life support equipment.</p> <p>It is the account holder details, and meter identification number, that the retailer passes to Western Power.</p> <p>PE appreciates that recording the individual user of the life support equipment is an opportunity for improvement especially where more than one user resides at a given address. PE will change its internal control system to incorporate this change.</p> <p>PE will change its processes to identify whether new customers already have Life Support Equipment. Instead of relying on</p>	Manager WA Commercial	31 Aug 2024

	<p>customers details of confirmation were not undertaken as the Licensee was uncertain of the requirement to do so given the customer was already registered.</p> <p>It is the Auditors opinion that the intent to ensure that the customers supply address remained registered for life support was met and that based on the inference of subclauses 82(1) and 86(8) there was some ambiguity in relation to the interpretation of the compliance requirements. As such, with respect to subclause 82(2) with the consideration of multiple persons residing at an existing registered supply address and no changes to the details required, an assessment of Perth Energy's compliance was not able to be determined for subclauses (refer specific detail Appendix 1 obligation 297B):</p> <ul style="list-style-type: none"> o 82(2)(a) - register the customer's supply address as a life support equipment address; o 82(2)(b) - register a person's contact details in relation to the supply address; o 82(2)(c) - provide the notification about the customers supply address being a life support equipment address in accordance with the relevant standard. <p>The Licensee's control processes were not adequate enough in relation</p>	<p>vii. Improve controls around life support requirements on ESA, for example require customer to initial that they do not require life support.</p>	<p>customers ticking a box when signing their contract to inform PE they require Life Support, PE will speak to customers prior to sending Commercial Terms so it can be incorporated on the contract and acted upon should PE win the contract.</p> <p>Gentrack's queuing system will be used to adhere to clause 85 Periodic Reviews timeframe obligations.</p> <p>All PE team members will be briefed and trained, as necessary, on any internal procedural changes to ensure compliance.</p>		
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		<p>to record keeping and internal monitoring to confirm compliance in accordance with the relevant standard for a retailer with this requirement, for example records were not readily retrievable, control procedures did not accurately detail the requirements and were not subject to document control, training materials were inadequate to communicate the requirements, there was no internal monitoring process and there was no update to control procedures in response to legislative changes.</p> <p>Note: Obligation 297B applied for the audit period 20/2/23 to 30/6/23 in accordance with the 2022 Code of Conduct. For the audit period 1 July 2020 to 19/2/2023 this requirement was addressed by obligation 235 (refer appendix 1).</p>				
23/2023	297C	<p>Code of Conduct, Clause 82(3) - A retailer must provide the information detailed under subclause 82(3) to the customer within 5 days after registering the customer's supply address as a life support equipment address.</p> <p>COMPLIANCE FINDING:</p> <p>A review of the Life Support documentation and records indicated that there was 1 life support customer, for the audit period 20/2/2023 to 30/6/2023 who should have been registered in accordance with subclause 82(1) and as such 82(3) applied.</p>	Refer recommendation 23/2023 as per obligation 297B.	See obligation 297B		

		<p>However, as detailed in obligation 297B there was some uncertainty as to the requirements by the Licensee. As such, the Manager Business Support, confirmed no customers were registered and consequently compliance with the obligation was not undertaken.</p> <p>Additionally, the Licensee's control processes were not adequate enough in relation to record keeping and internal monitoring to confirm compliance in accordance with the relevant standard for a retailer with this requirement, for example records were not readily retrievable, control procedures did not accurately detail the requirements and were not subject to document control, training materials were inadequate to communicate the requirements, there was no internal monitoring process and there was no update to control procedures in response to legislative changes.</p>				
24/2023	297D	<p>Code of Conduct, Clause 82(5) - If a customer, for a supply address registered under subclause 82(2), notifies the retailer that the person residing at the customer's supply address who requires life support equipment is changing supply address, or that the customer is changing supply address but not the person who requires life support equipment, or that there has been a change in contact details, then the</p>	Refer recommendation 23/2023 as per obligation 297B	See obligation 297B		

		<p>retailer must, in accordance with the relevant standard,</p> <ol style="list-style-type: none"> a. register the change and b. provide a notification to the distributor of the change. <p>COMPLIANCE FINDING:</p> <p>For the audit period 20/2/2023 to 30/6/2023 a review of the Life Support documentation and records indicated that there was another person confirmed at residing at an existing life support customer supply address. As such, this change should have been registered in the CDN in Gentrack and Western Power notified under subclause 82(2) and as implied by 86(8). However, the email communication with Western Power and a review of the CDN in the Gentrack system for the customer indicated that Perth Energy did not register the change and did not provide a notification to the distributor of the change (refer to obligation 297B timeline). Additionally, there was some uncertainty as to the requirement to do so because the customer was an existing life support customer, and the contact details themselves in the CDN in Gentrack were correct.</p> <p>As such, even though a customer provided confirmation from an appropriately qualified medical practitioner that a person residing at</p>			
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		<p>the customer's supply address required life support equipment customers, there were no customers registered and Western Power was not notified of the change. Consequently assessment of compliance with the obligation was not undertaken.</p> <p>Additionally, the Licensee's control processes were not adequate enough in relation to record keeping and internal monitoring to confirm compliance in accordance with the relevant standard for a retailer with this requirement, for example records were not readily retrievable, control procedures did not accurately detail the requirements and were not subject to document control, training materials were inadequate to communicate the requirements, there was no internal monitoring process and there was no update to control procedures in response to legislative changes</p> <p>It was noted that as the customer continued to require life support, obligation 297D was rated as a Type 1 requirement.</p>				
25/2023	2971	<p>Code of Conduct, Clause 85(2) - A retailer must allow a customer at least 3 months to respond to the notice requesting confirmation of the information held in relation to the life-support equipment scheme and warn the customer of supply address deregistration from the life-support equipment scheme and details of</p>	Refer recommendation 23/2023 as per obligation 297B+	See obligation 297B		

		<p>resulting de-registration as prescribed under subclause 85(2).</p> <p>COMPLIANCE FINDING:</p> <p>During the audit period 20/2/2023 to 30/6/2023, communications between the Licensee and the registered life support did not allow the customer at least 3 months to provide the confirmation required by the Perth Energy and did not warn customer of the consequences to de-registration as detailed in 85(2)(b)(i) and(ii). The email communication reviewed appeared to provide confirmation to Western Power prior to receiving it from the registered customer.</p> <p>The Licensee's control processes were not adequate enough in relation to record keeping and internal monitoring to confirm compliance in accordance with the relevant standard for a retailer with this requirement, for example records were not readily retrievable, control procedures did not accurately detail the requirements and were not subject to document control, training materials were inadequate to communicate the requirements, there was no internal monitoring process and there was no update to control procedures in response to legislative changes.</p>				
26/2023	297K	<p>Code of Conduct, Clause 86(3) and (4) - If a customer fails to comply with a notice from the retailer under clause 85, in relation to a life support equipment address, within the period</p>	Refer recommendation 23/2023 as per obligation 297B+	See obligation 297B		

		<p>allowed under clause 85(2)(a), then the retailer must undertake action prescribed in subclauses 86(3) and 86(4).</p> <p>COMPLIANCE FINDING:</p> <p>The licensee confirmed that for duration of the audit period, 20/2/2023 to 30/6/2023 the obligation was not applicable there were no life support customers who failed to comply with a notice from the licensee in accordance with clause 85.</p> <p>It was noted that as the customer's anniversary date was calculated from the 19/5/2022, the notice period for the registered customer was from 19/2/2023 to 19/8/2023. As such, the completion of the notice period was outside the scope of the audit period and assessment of compliance with the requirement was not undertaken.</p> <p>The Licensee's control processes were not adequate enough in relation to record keeping and internal monitoring to confirm compliance in accordance with the relevant standard for a retailer with this requirement, for example records were not readily retrievable, control procedures did not accurately detail the requirements and were not subject to document control, some staff were unaware of requirements, training materials were inadequate to communicate the requirements, there was no internal monitoring process and there was no update to control procedures in response to legislative changes.</p>		
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27/2023	297N	<p>Code of Conduct, Clause 86(8) - Despite subclauses 86(1) to (7), a supply address must not be de-registered if the retailer is aware that another person residing at the supply address still requires life support equipment.</p> <p>COMPLIANCE FINDING:</p> <p>A review of the Life Support Register indicated that there were two life support customers supplied during the audit period. Neither customer deregistered during the period 20/2/23 to 30/6/23 when the obligation applied.</p> <p>It was noted that during the audit period 1/7/2020 to 30/6/2023 the registered life support customer did in fact receive 2 separate confirmations from a medical practitioner that there were 2 persons residing at the supply address. It was confirmed through discussions with the Manager Business Support that Perth Energy was unaware that there were 2 different persons residing as the supply address and that the form date 9/5/2023 was assumed to be a re-certification confirmation and was treated as such, i.e. no notification or registrations were undertaken.</p> <p>Consequently it was determined that the Licensee's control processes were not adequate enough in relation to record keeping and internal monitoring to confirm compliance in accordance with the relevant standard for a retailer with this requirement, for example records were not readily retrievable,</p>	Refer recommendation 23/2023 as per obligation 297B+	See obligation 297B		
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		control procedures did not accurately detail the requirements and were not subject to document control, records were not assessed against compliance requirements, some staff were unaware of requirements, training materials were inadequate to communicate the requirements, there was no internal monitoring process and there was no update to control procedures in response to legislative changes.				
28/2023	298	<p>Code of Conduct, Clause 87(1) - Each retailer and distributor must develop, maintain and implement a standard complaint and dispute resolution procedure.</p> <p>COMPLIANCE FINDING:</p> <p>During the audit period, the Licensee's had developed and implemented a Complaints Handling Procedure but has not maintained (i.e. kept in effect once it has been developed and implemented, including consideration of legislative and other amendments) the procedure. The procedure was last reviewed 26 March 2018 (i.e. following the review of the 2018 Code of Conduct).</p>	Refer recommendation 112023 as related to obligation 124	<p>PE's Complaints Policy will be reviewed considering the 2023 Code of Conduct changes.</p> <p>Going forward documented annual reviews of this policy will take place and when significant amendments to regulations occur.</p>	Manager WA Commercial	31 Aug 2024
29/2023	307	<p>2018 Code of Conduct, Clause 13.3 - The report specified in clause 13.1 must be published by the date specified by the ERA. In accordance with clause 13.3(2), a report is published if:</p>	Refer recommendation 11/2023 as related to obligation 124.	See actions proposed in response to recommendation 11/2023 (obligation 124).	Manager WA Commercial	31 Aug 2024

		<ul style="list-style-type: none"> • copies are available to the public, without cost, in places where the retailer or distributor transacts business with the public; and • a copy is posted on the retailer or distributor's website. <p>COMPLIANCE FINDING:</p> <p>During the Audit Period the Licensee was required to publish the Electricity Retail Licence Performance Reporting Datasheets for the reporting years 2020-2022. The 2021/22 Electricity Retail Annual Performance Data was not published within 7 days of receiving the notification from the ERA.</p> <p>Confirmation as to whether the 2020 and 2021 Electricity Retail Licence Performance Reporting Datasheets were published within the 7 day timeframe was not able to be provided by the Licensee.</p> <p>Additionally, the control environment was not robust enough to ensure compliance in the extended absence of key personnel.</p>				
30/2023	307A	<p>Code of Conduct, Clause 91(1) - A retailer must develop, maintain and implement a family violence policy to assist vulnerable customers.</p> <p>COMPLIANCE FINDING:</p> <p>For the duration of the audit period 20/2/23 to 30/6/23 the Licensee was required to develop a “Perth Energy</p>	<p>In order to ensure compliance with the requirements of the 2022 Code of Conduct Part 13 – Protections relating to family violence, the Licensee should;</p> <p>a) Apply document control to Family Domestic Violence Policy to ensure it upholds its integrity, transparency, traceability, and</p>	<p>PE understands (from discussions had with the ERA) that its obligations relating to Family Violence policy are a requirement due to having residential customers.</p>	<p>Manager WA Commercial</p>	<p>31 Aug 2024</p>

	<p>Family Domestic Violence Policy". A copy of the policy was provided for review. As the Perth Energy Family Domestic Violence Policy was undated it was unclear as to when the policy was developed. Evidence of the compliance with the development, maintenance and implementation requirements were not able to be provided (i.e. 91(3) (a) or (b).</p> <p>The Family Domestic Violence Policy was not available on Perth Energy's Website at the link provided within the Policy (refer https://www.perthenergy.com.au/regulatory-information/) and as such not implemented as required. Further a process to ensure the policy is maintained was not evident (i.e. kept in effect once it has been developed and implemented, including consideration of legislative and other amendments). As such there were inadequate controls established and significant improvement was required to ensure ongoing compliance.</p>	<p>accountability, reflects governance and best practice standards.</p> <ul style="list-style-type: none"> b) Establish a link to the Family Domestic Violence Policy on its website as stated within the Policy, in the Standard Form Contract published on the ERA Website and as per obligation 271D. c) Review for compliance and appropriateness and revise where necessary any related policies, procedures and processes, for example Training.Corporate.003 – Retail Customer Privacy, the Privacy Policy, etc. d) Ensure training modules for staff in relation to Family Violence are either developed in conjunction with appropriate consumer representatives or provided by appropriate consumer representatives. e) Ensure training records and requirements for applicable Perth Energy employees are maintained and updated to reflect the requirements. f) Ensure control procedures require Perth Energy to consult with persons or bodies that may reasonably be expected to represent the interests of persons who may be experiencing family violence whenever developing or reviewing a family violence policy. 	<p>PE has decided it will cease selling electricity to contestable residential customers. It will therefore have no such customers once these current contracts expire.</p> <p>At this time PE understands it will cease to have regulatory obligations relating to Family Violence.</p> <p>PE's Family Violence policy is published on PE's website and other than for 307E, PE believes it to be compliant with the Code.</p> <p>PE has written its policy based on the existing policy developed by its parent company, AGL, several years ago. AGL's policy was assumed to have been reviewed with persons that may reasonably be expected to represent persons of interest.</p> <p>However, in response to the recommendation in 307E, PE will have its policy reviewed by persons that may reasonably be expected to represent persons of interest.</p> <p>PE's Family Violence policy will only be reviewed should further legislation and/or the code of conduct changes occur between now and expiry of PE's last residential customer contract. If it</p>		
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				<p>is reviewed, then document control will be used.</p> <p>Several key individuals have undertaken AGL's corporate Family Violence training.</p> <p>This corporate on-line training is recorded in an individual's HR records and meets 91(3) of the Code</p>		
31/2023	307C	<p>Code of Conduct, Clause 91(3) - The training required under subclause 91(2)(a) must satisfy at least one of the requirements detailed in subclause 91(3).</p> <p>COMPLIANCE FINDING:</p> <p>The Licensee has not confirmed that the training required was developed in conjunction with appropriate customer representatives. Correlating supporting documentation does not reference the requirements. Development of the policy appeared to have been undertaken at a corporate level (i.e. by AGL).</p>	Refer to recommendation 31/2023 relating to obligation 307A.	Refer to Obligation 307A		
32/2023	307E	<p>Code of Conduct, Clause 91(6) - A retailer must consult with persons or bodies that may reasonably be expected to represent the interests of persons who may be experiencing family violence whenever the retailer is developing its family violence policy or reviewing its family violence policy because of a direction of the ERA under subclause 91(5).</p>	Refer to recommendation 31/2023 relating to obligation 307A.	Refer to obligation 307A		

	<p>COMPLIANCE FINDING:</p> <p>The Licensee could not provide evidence that they had directly consulted with persons or bodies that may reasonably be expected to represent the interests of persons who may be experiencing family violence when developing their family violence policy.</p> <p>Development of the policy appeared to have been undertaken at a corporate level (i.e. by AGL).</p>				
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