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Submitted via email: energy.consult@dcceew.nsw.gov.au

Electricity Supply (Safety and Network Management) Regulation

AGL Energy (AGL) welcomes the opportunity to respond to the NSW Department of Climate Change, Energy, the Environment and Water's (DCCEEW) consultation on the review of the *Electricity Supply (Safety and Network Management) Regulation*, which is due to expire on 1 September.

As one of the largest integrated providers of essential services in the National Energy Market (NEM), with approximately 612,000 gas and 874,000 electricity customers in NSW¹, AGL strongly supports initiatives and reforms that improve safety outcomes and protect customers, the community, workers and contractors. Safety and reliability are fundamental to the efficient operation of the energy system and to the success of the broader energy transition.

As an energy retailer, AGL is somewhat removed from the day-to-day operation of the Accredited Service Provider (ASP) Scheme and can therefore offer specific comments only on certain sections of the consultation paper (the Paper). However, we broadly support the proposals put forward by NSW DCCEEW.

AGL supports NSW DCCEEW's recommendation to clarify the fit and proper person test under the ASP Scheme² through formal guidance. Given the test is not a one-size-fits-all concept, the guidance should make clear that assessments consider a person's overall suitability to hold accreditation, including the seriousness of any previous unacceptable behaviour, probity, professional training, technical competency verification (depending on the business and level of accreditation), criminal history, regulatory record (for example, professional licences), any history of phoenixing, and capability. To ensure the test does not operate as a deterrent to potential ASPs while still serving its intended purpose, it should be holistic, balanced and flexible, with scope to consider a person's character, honesty, integrity and reputation.

AGL also supports the application of ongoing competency assessments for ASPs under *Part 3, clause 21* of the Regulation, proportionate to the level of accreditation. DNSPs already conduct regular audits of contestable works, covering construction, design and safety systems, to ensure compliance with established NSW ASP Scheme requirements. This framework provides a practical basis for incorporating competency assessments, either as a discrete element or embedded across existing audit streams. Linking audit outcomes to a centralised, NSW Government-managed register would also support consistent and transparent monitoring over time. Competency measures could include an ASP's understanding of regulatory obligations, internal assurance processes, safety management systems, record-keeping and business accreditation. Continuous professional development, including participation in and upskilling through mandatory and renewable-focused

¹ [AGL ESG Data Centre FY25, Services to Customers](#), as at 30 June 2025

² Accredited Service Provider (ASP) Scheme, <https://www.energy.nsw.gov.au/nsw-plans-and-progress/regulation-and-policy/asp-scheme-and-contestable-works>



training (for example, through NECA³), could also be overseen by the NSW Government. Together, these measures would create a stronger, more risk-based and outcomes-driven assurance model.

Beyond *Part 3* of the *Regulation*, AGL has concerns about the proposals under *Part 6* relating to disconnection from the distribution system. While we acknowledge the intent behind the proposal, its breadth creates liability risks. Distributors do not always have visibility of all properties that may be affected by the proposed disconnection of an unsafe installation, and it is therefore unreasonable to expect notification to every impacted customer where that information is not known. AGL acknowledges that NSW DCCEEW has indicated this requirement would apply only where reasonable. We strongly support that approach and recommend that the *Regulation* include a provision stating that distributors should, where practicable, notify each customer likely to be affected by the proposed disconnection. This would strike a more balanced approach and help avoid the application of an unreasonable liability threshold, and any resulting penalty, in these circumstances.

Thank you for the opportunity to provide feedback on this consultation. Please contact Emma Holloway, Manager Policy and Market Regulation, at eholloway@agl.com.au if you have any questions or would like to discuss this submission further.

Yours sincerely,

Liam Jones

Senior Manager, Policy and Market Regulation

³ NECA Training and Apprenticeships, <https://www.neca.asn.au/>