Justice and Equity Centre

Electricity Supply General Regulations 2026

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About the Justice and Equity Centre

The Justice and Equity Centre is a leading, independent law and policy centre. Established in 1982 as the Public Interest Advocacy Centre (PIAC), we work with people and communities who are marginalised and facing disadvantage.

The Centre tackles injustice and inequality through:

- legal advice and representation, specialising in test cases and strategic casework;
- research, analysis and policy development; and
- advocacy for systems change to deliver social justice.

Energy and Water Justice

Our Energy and Water Justice work improves regulation and policy so all people can access the sustainable, dependable and affordable energy and water they need. We ensure consumer protections improve equity and limit disadvantage and support communities to play a meaningful role in decision-making. We help to accelerate a transition away from fossil fuels that also improves outcomes for people. We work collaboratively with community and consumer groups across the country, and our work receives input from a community-based reference group whose members include:

- Affiliated Residential Park Residents Association NSW;
- Anglicare;
- Combined Pensioners and Superannuants Association of NSW;
- Energy and Water Ombudsman NSW;
- Ethnic Communities Council NSW;
- Financial Counsellors Association of NSW;
- NSW Council of Social Service;
- Physical Disability Council of NSW;
- St Vincent de Paul Society of NSW;
- Salvation Army;
- Tenants Union NSW; and
- The Sydney Alliance.

Contact

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The Justice and Equity Centre office is located on the land of the Gadigal of the Eora Nation.

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1. Introduction

The Justice and Equity Centre (JEC) welcomes the opportunity to respond to NSW Department of Climate Change, Energy, the Environment and Water' (DCCEEW) Energy Supply General and Safety and Network Management Regulations 2026 consultation.

The JEC supports remaking the Energy Supply (General) Regulation with amendments updating its provisions, addressing identified regulatory gaps, and aligning with the NSW Government's broader energy transition and consumer protection commitments. In particular, we strongly support reforms that anticipate and respond to the rapid transformation of the energy market.

Our submission highlights aspects we consider particularly important to progress as well as a number of important changes we consider relevant to the interests of NSW consumers.

2. De-Energisation and re-Energisation

While we support reforms to remote de-energisation and re-energisation provisions, further measures to restrict the use of remote de-energisation should be considered.

The proposed amendments would introduce an exemption from existing requirements where metering providers and retailers cannot remotely de-energise or re-energise a premises in accordance with their safety management plan and customer procedures plan (in the case of retailers) or safety management and technical procedures plan (in the case of metering providers). This exemption would apply to both offenses and the need to compensate customers. This change could be read as excempting retailers from safety requirements. This change should be clarified and should ensure that in circumstances where remote de/re-energisation in accordance with safety plans is not possible, a manual process is required to protect against any increased risks to consumers.

The proposed regulation also clarifies that a retailer or metering provider who is unable to remotely de-energise or remotely re-energise premises because of a standard or requirement prescribed under section 34(a) of the Gas and Electricity (Consumer Safety) Act 2017, including under the GECS Regulation, must instead de-energise or re-energise the premises in accordance with the National Energy Retail Rules. It is not clear what the effect of this provision would be in practice. The final measures should clearly ensure that no remote de/re-energisation can be undertaken in a way which compromises the safety of the consumer, or which increases risks to the continuity of their supply.

Further to the measures proposed, we strongly recommend this process further consider explicit prohibitions – or restrictions – on remote de-energisation due to inability to pay. We highlight previous submissions on this subject[1], as well as our work investigating the impacts of disconnection and the value of in-person service-delivery[2]. We would welcome an opportunity to consult further with DCCEEW on matters related to remote de-energisation and re-energisation.

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1 JEC, 2019 – Submission to the digital metering: improving service delivery in NSW – consultation paper
2 JEC, 2025 – in person visits before disconnection

3. EWON jurisdiction

We strongly support measures to expand the jurisdiction of the Energy & Water Ombudsman NSW (EWON) to hear complaints relating to emerging energy technologies, including rooftop solar systems, home batteries and other consumer energy resources. This reform, and measures to ensure that this role can be effectively undertaken by EWON, are both necessary to promote and protect the interests of NSW households, and long overdue.

Energy is an essential service. As a result, sector-specific consumer protection which complements and goes beyond the general protections contained in the Australian Consumer Law (ACL) is necessary. A critical foundation of effective consumer protection frameworks in essential service sectors is access to independent, specialist external dispute resolution. Such mechanisms are vital to ensure consumers have access to fair, low-cost, and accessible avenues for redress when things go wrong.

As the energy system evolves, so too must the consumer protection architecture that underpins it. The rapid uptake of consumer energy resources and new service models—including rooftop solar, battery storage, electric vehicle charging, virtual power plants, demand response services and increasingly complex metering arrangements—has fundamentally altered the consumer experience of energy. It is seeing a wider range of providers responsible for aspects of a household's energy related product and service delivery, and an expanding set of products and contractual arrangements.

Consumers do not differentiate between the products and services which deliver their energy. They very reasonably consider 'energy related products and services' to be a relevant concern of the Energy and Water ombudsman. The existing EWON jurisdiction does not reflect this, and leaves many services in a regulatory 'grey area', resulting increased risks and impacts on consumers.

EWON's jurisdiction must be expanded to cover disputes between small customers and providers of new energy services. This is a critical and proportionate reform. It ensures that EWONs jurisdiction matches consumer expectations and that consumers engaging with modern energy products and services have access to the same fundamental protections available to traditional energy customers: independent, specialist dispute resolution. It also promotes consistency in regulatory expectations and accountability across the energy supply chain. We strongly support this measure, and others which ensure EWON is able to effectively undertake its expanded role.

We note that delays in progressing comprehensive reforms to the national consumer protection framework under the National Energy Customer Framework (NECF) have created an urgent need for state-based action. In this context, the NSW Government's proposal represents an important and pragmatic first step in strengthening consumer protections in line with contemporary market realities.

4. Social Programs for Energy Code

We broadly support the proposed measures to update provisions relating the code, including those which:

- Introduce flexibility for consultation requirements (about changes made to a code) to address practical challenges, such as difficulty contacting stakeholders. However, we highlight that this should not have the effect of reducing the requirement to consult on substantive changes to the code, and particularly the requirements to consult with consumer and community stakeholders.

- Introduce flexibility for the calculation of reimbursements to reflect current interpretation and practice (retain dispute mechanism to help ensure procedural fairness).

- Increase penalties for non-compliance with a code to reflect the risks associated with serious breaches, to deter non-compliance and to align with other recently modernised legislation. We support harm-based regulation, and penalties which scale in relation to the potential or actual consumer harm associated with breaches.

- Expand auditing powers (of compliance with a code) from the minister to the department, to reflect how audits occur in practice. We support measures to enable more practical and effective monitoring and oversight of the Code.

We note the stated objective to reduce 'regulatory burden'. While we support optimally efficient regulation, we do not agree that 'regulatory burden' should be a stated priority or objective, particularly when considering regulations related to consumer protection and support. We caution against this focus and encourage the Department to reframe its objective – for example, that regulation is efficient, proportionate and appropriate to the level of potential consumer harm.

5. Energy Savings Scheme and Peak Demand Reduction Scheme

We support amendments to strengthen the operation and integrity of the Energy Savings Scheme (ESS) and Peak Demand Reduction Scheme (PDRS). In particular, we support:

- Improved information sharing between IPART, distribution network service providers, Solar Accreditation Australia (SAA) and the Clean Energy Council (CEC). This will help support better data integrity, oversight and compliance across the schemes.

- Updated reporting requirements that allow IPART to require audit reports where appropriate. This improves flexibility and should improve the efficiency and robustness of compliance assessments. But as we note below, more needs to be done.

- Clearer treatment of liable acquisitions across the ESS and PDRS to ensure that the same electricity purchase is not double-counted. This will protect the integrity and intended policy outcomes of the schemes.

- Stronger penalties for impersonating approved auditors, including increasing the maximum penalty for corporations from 250 to 500 penalty units. This promotes consistency and helps deter misconduct, though as we note in our previous submissions referenced below, more robust compliance measures are required.

Together, these amendments will help improve the transparency, consistency and efficiency of both schemes. They will help ensure that the ESS and PDRS deliver genuine energy savings and peak demand reductions, while protecting consumers from the risk of inflated costs or poor scheme integrity.

However, we consider further changes are warranted, and highlight our responses to recent processes reviewing ESS/PDRS policy and rules[3] [4]. We encourage consideration of reforms to enhance the robustness of scheme oversight, and improve scope for meaningful enforcement which supports more effective schemes and better consumer outcomes.

6. Green Hydrogen Network Charge Concession

We do not support any network charge concessions for hydrogen production facilities and strongly recommend the NSW Government reconsider this provision altogether.

It is not in the interests of NSW household electricity consumers to subsidise electricity costs for hydrogen production facilities, particularly in the context of rising network and system costs more broadly.

7. Continued engagement

We welcome the opportunity to meet with the DCCEEW project team and other stakeholders to discuss these and any other related issues in more depth. Please contact Douglas McCloskey at dmccloskey@jec.org.au regarding any further inquiries.

[3] JEC, 2026 – Energy Security Safeguard policy reform – consultation paper
[4] JEC, 2026 – Energy Security Safeguard – rule changes