



Perth Energy Pty Ltd

Performance Audit – Electricity
Retail Licence (ERL 10)

November 2008

ADVISORY



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Private and confidential

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Our ref INFTPEP_08PerformReportPE_PCR

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28 November 2008

Dear Mr Cao

Perth Energy Pty Ltd – Performance Audit - Electricity Retail Licence (ERL 10)

We are pleased to provide you with the final audit report of the performance audit in relation to the Electricity Retail Licence (ERL 10). Our report describes the objectives of the performance audit, scope of work performed, key findings and recommendations.

If you have any queries, please contact myself on 9263 7271 or Sake van Weeghel on 9263 4886.

Yours Sincerely

Travis McAuliffe

Partner

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Distribution

For action

Vinod Tiwari

Account Manager

For information

Geoff Gaston

Commercial Manager

Executive Summary

Perth Energy Pty Ltd has an Electricity Retail Licence (ERL10 Licence) (“the Licence”) issued by the Economic Regulation Authority (“ERA”) under Sections 7 and 15(2) of the Electricity Industry Act 2004 (WA) (“the Act”).

Under Sections 13 and 14 of the Act Perth Energy is required to provide to the ERA a Performance Audit of the Perth Energy Licence to cover the period 30 June 2006 to 30 June 2008.

In September 2008 Perth Energy commissioned KPMG to carry out the first Performance Audit. The audit was conducted in order to assess the Perth Energy Pty Ltd (“Perth Energy”) level of compliance with the conditions of the licence. This report has been prepared in accordance with the ERA’s Audit Guidelines: Electricity, Gas and Water Licences (September 2006). An audit plan was developed by KPMG in October 2008 and approved by the ERA on 24 October 2008.

The audit was conducted in accordance with the audit plan through an assessment of the control environment, the information system, control procedures, supporting documentation and compliance attitude.

Performance Audit Compliance Summary

The findings of the audit are summarised in table 2 over the page, and in more detail on pages (9 to 16). A comprehensive report of the audit findings is included in Appendix 1.

Table 1: Performance Audit Rating Scale

Compliance Status	Rating	Description of Compliance
Compliant	5	Compliant with no further action required to maintain compliance
Compliant	4	Compliant apart from minor or immaterial recommendations to improve strength of internal controls to maintain compliance
Compliant	3	Compliant with Major or material recommendations to improve the strength of internal controls to maintain compliance
Non-Compliant	2	Does not meet minimum requirements
Significantly Non-Compliant	1	Significant weaknesses and/or serious action required

Table 2: performance audit compliance summary

Operating Area	Operating License Reference (Cl. = Clause)	Consequence (1= Minor, 2 Moderate, 3 Major)	Likelihood (A=likely, B = probable, C= unlikely)	Inherent Risk (Low, Medium, High)	Adequacy of Existing Controls (S= Strong, M= Moderate, W=Weak)	Compliance Rating (refer to the 5-point rating scale in Table 1 for details)				
						1	2	3	4	5
Service Delivery										
Definitions	CI 1									
Grant License	CI 2									
Term	CI 3									
Fees	CI 4	2	C	M	M					✓
Compliance	CI 5	1	C	L	S				✓	
Marketers	CI 6									
Transfer of License	CI 7									
Cancellation of License	CI 8									
Surrender of License	CI 9									
Renewal of License	CI 10									
Amendment of License on Application of the License	CI 11									
Amendment of License by the Authority	CI 12									
Customer Contracts	CI 13	2	C	M	S				✓	
Amending the Standard Form Contract	CI 14	2	C	L	S					✓
Customer Service Charter	CI 15	1	C	L	S					✓
Amending Customer Service Charter	CI 16									
Supplier of Last Report	CI 17									
Direction by the Authority	CI 18									
Approved Scheme	CI 19	2	C	M	S					✓
Accounting Records	CI 20	1	C	L	S					✓
Individual Performance Standards	CI 21									
Performance Audit	CI 22	2	C	M	S					✓
Reporting	CI 23	1	C	L	S					✓
Provision of Information	CI 24	1	B	L	S					✓
Publishing Information	CI 25	1	B	L	S					✓
Notices	CI 26	1	B	L	S					✓
Review of the Authority's Decisions	CI 27									

Conclusion

Based on the scope and approach undertaken for this Performance Audit, we conclude that the assertion made by Perth Energy that it has maintained, in all material respects, effective control procedures in relation to compliance with its obligations under ERL 10 Licence for the period 30 June 2006 to 30 June 2008 to be fairly stated.

Performance Audit

Objective

Under section 13 of the Act, it is a requirement that every licensee provide the ERA not less than once in every period of 2 years with a Performance Audit conducted by an independent expert acceptable to the ERA.

The primary objective of the Performance Audit is to consider the effectiveness of measures taken by the Licensee to maintain quality and performance standards. The Act states a Performance Audit is an audit of the effectiveness of measures taken by the licensee to meet the performance criteria specified in the licence. The licence states that performance standards are contained in applicable legislation. Performance criteria are defined in the licence as:

- The terms and conditions of the licence; and
- Any other relevant matter in connection with the applicable legislation that the ERA determines should form part of the performance audit.

The licence also provides for individual licence conditions namely - the ERA may prescribe individual performance standards in relation to the licensee of its obligations under this licence or the applicable legislation (the Act and subordinate legislation). There are no individual performance standards in evidence in the audit period.

The ERA has summarised the performance requirements in various legislation in its Electricity compliance reporting manual (March 2008).

Audit period

The performance audit period is from 30 June 2006 to 30 June 2008.

Scope

The ERA guidelines for performance audits set out that the audit should be conducted in 3 phases.

Risk and materiality assessment

With reference to AS/NZS4360 Risk Management a preliminary assessment was made of the risk and materiality of non-compliance with the required licence conditions in order to focus the audit effort on areas of higher compliance risk and identify areas for testing and analysis.

System analysis, assertion setting and review

Through discussion, observation and review, a sample of cases or data was analysed relating to the licensee's quality and performance systems and standards against requirements of the Licence conditions to be audited.

Fieldwork: testing and analysis

Using the results of the risk assessment and systems analysis, detailed testing and analysis was performed to compare those standards maintained by the licensee with the relevant clauses of the Licence.

There are no actions taken in response to recommendations in previous audit/reviews to follow up as this was the first audit.

The key contacts were of Perth Energy; Geoff Gaston and Vinod Tiwari.

Audit requirements

Compliance with licence conditions was examined according to the likely inherent risk and the adequacy of controls to manage that risk.

The ERA guidelines for performance audits require that the audit considered:

- Process compliance - the effectiveness of systems and procedures in place throughout the audit period, including the adequacy of internal controls.
- Outcome compliance – the actual performance against standards prescribed in the licence throughout the audit period.
- Output compliance – the existence of the output from systems and procedures throughout the audit period (that is, proper records exist to provide assurance that procedures are being consistently followed and controls are being maintained).
- Integrity of performance reporting – the completeness and accuracy of the performance reporting to the ERA.
- Compliance with any individual licence conditions - the requirements imposed on the specific licensee by the ERA or specific issues for follow-up that are advised by the ERA.

Limitation of Scope

The review was undertaken by examination of documents, interviews with key persons and observations and was not be a detailed inspection of physical items. As there are no individual performance standards applied by the ERA, that area has been deleted from the audit.

Perth Energy responsibilities

Perth Energy are responsible for establishing and maintaining an effective internal control structure including control procedures that are adequately designed and operating effectively to ensure compliance with its obligations under ERL 10 Licence.

Our responsibility

We have performed our work in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* and other auditing standards applicable to internal control engagements, and accordingly included such tests and procedures as we considered necessary in the circumstances. Our tests and procedures included obtaining an understanding of the control procedures and examination, on a test basis, of evidence supporting the design and effectiveness of the control procedures. These procedures have been undertaken to form an opinion whether, in all material respects, the control procedures operated effectively during the period subject to the scope of this audit.

This report has been prepared for Perth Energy for the purpose described in the Scope section of this report. We disclaim any assumption of responsibility for any reliance on this report to any person other than Perth Energy and ERA, or for any purpose other than for which it was prepared.

Inherent limitations

Because of the inherent limitations in any system of internal controls it is possible that errors or irregularities may occur and not be detected. Further, the internal control structure within which the control procedures which are the subject of our engagement operate, has not been subject to any reasonable assurance procedures and no opinion is expressed as to its effectiveness.

Our engagement is not designed to detect all weaknesses in the control procedures, as the tests and procedures not been performed continuously throughout the period and the tests and procedures performed on the control procedures have been performed on a sample basis. Any projection of the evaluation of control procedures to future periods is subject to the risk that the control procedures may become inadequate because of changes in conditions, or that the degree of compliance with them may deteriorate.

The reasonable assurance opinion expressed in this report has been formed on the above basis.

Conclusion

Based on the scope and approach undertaken for this performance audit, we conclude that the assertion made by Perth Energy that it has maintained, in all material respects, effective control procedures in relation to compliance with its obligations under ERL 10 Licence for the period 30 June 2006 to 30 June 2008 to be fairly stated.

Key Findings and Recommendations

Key Findings and recommendations arising from the performance audit are listed in the following sections. Detailed findings are included in Appendix 1. The audit team in consultation with the licensee has developed a Post Audit Implementation Plan, a copy of the plan is attached in Appendix 2.

Ref	Licence Condition	Findings	Compliance Rating	Recommendations / Corrective Actions
			1-Low 5-High	
18	A retailer must not disclose a contestable customer's data to any other person without the verifiable consent of the contestable customer, except in the circumstances defined.	The requirement is outlined in the Sales Procedure. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	4	It is recommended that management add version control and formally approve all documented policies and procedures. Further management should ensure the policies and procedures are reviewed on regular basis for accuracy and completeness.
19	A retailer must keep a copy of the verifiable consent received from a contestable customer for two years.	Sales Procedure outlines the requirement. Email stored on customer file. A sample of 7 customer files were tested with no exceptions noted. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	4	Ditto 18
26	A retailer that submits a customer transfer request to reverse an erroneous transfer must ensure the transfer was made in error and, if it is an incoming retailer, confirm the identity of the previous retailer.	Procedure for processing a request to reverse an erroneous transfer is outlined in the Sales Procedure. Web portal has a specified provisions for erroneous transfers. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	4	Ditto 18
28	A retailer must withdraw a customer transfer request if the contestable customer's verifiable consent ceases to apply before the transfer occurs.	No exceptions noted. The requirement is outlined in the sales procedure. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	4	Ditto 18
43	In the case of a transfer to reverse an erroneous transfer, a network operator and all affected retailers (and the independent market operator if applicable) must act in good faith to ensure that the rights and obligations of the affected contestable customer are as they would have been had the erroneous transfer not occurred.	The Customer Service Charter and the Complaints Handling Procedures outline the rights of the customer. PE works closely with the WP Account Manager to resolve the issue in a timely manner. It was noted that the Customer Service Charter and Complaints Handling Procedures are in place, but have not formally been approved and lack version control.	4	Ditto 18

Ref	Licence Condition	Findings	Compliance Rating	Recommendations / Corrective Actions
			1-Low 5-High	
44	An incoming retailer must retain a copy of a verifiable consent given by a contestable customer in relation to the lodgement of a customer transfer request for two years, except in the case of a customer transfer request to reverse an erroneous transfer.	Customers sign contracts with PE. All contracts are stored in customer files. A sample of signed customer contracts was sighted. The process is outlined in the Sales Procedure. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	4	Ditto 18
45	A previous retailer must not bill a contestable customer for charges incurred after the transfer time, except in the case of an erroneous transfer.	Review of Billing procedures outlined that customers should only be billed for the period specified in the contract except in the case of an erroneous transfer. The bills are generated based on consumption metering data retrieved via the Web Portal. It was noted that the Billing Procedures are in place, but have not formally been approved and lack version control.	4	Ditto 18
88	A retail licensee must not supply electricity to a small use customer otherwise than under a standard form contract or a non-standard form contract.	All customers enter into a contract before being supplied with electricity. Contracts are placed on customer files are integral part of the Sales Process Procedure Checklist. A review of a sample of 15 customer files noted contracts in place for all customers. It was noted that the Sales Procedures and the Checklist are in place, but have not formally been approved and lack version control.	4	Ditto 18
96	A licensee that has, or is an associate of a person that has, access to services under an access agreement must not engage in conduct for the purpose of hindering or prohibiting access.	PE has an Access Agreement in place which meets the requirement. The Access Agreement is valid till 1 June 2009. An Electricity Transfer Access Contract (ETAC) has been developed and agreed to in principle by WP and PE. ETAC will replace the current Access Agreement once it is formally endorsed. Due to the size of the agreement (financial terms), it has not yet been formally endorsed as it requires the approval of the WA Minister for Energy.	4	Management ensure that the Electricity Transfer Acces Contract (ETAC) is formally endorsed by the WA Minister for Energy.
97	A licensee must ensure that an electricity marketing agent of the licensee complies with the applicable codes.	Marketing Procedures and Guidelines have been developed along with the Customer Contract Guidelines. No marketing is performed by agents. It was noted that the Marketing Procedures and Guidelines are in place, but have not formally been approved and lack version control.	4	Ditto 18

Ref	Licence Condition	Findings	Compliance Rating		Recommendations / Corrective Actions
			1-Low	5-High	
98	The licensee must report a breach of the applicable code conditions by an electricity marketing agent to the Authority within the prescribed timeframe.	PE has engaged Comm Assist to act as a referral agent for PE. Based on advice received from the Manager Customer Protection of the Authority on 28 November 2007, Comm Assist does not appear to have been defined as a marketing agent and is not subject to reporting requirements. A Broking Agreement has been agreed to in principle between PE and Comm Assist. The Agreement specifically prohibits Comm Assist acting as a marketing agent. The Broking Agreement has not been formally signed.	4		Management ensure that the Broking Agreement between Comm Assist and PE is formally signed.
139	A retailer must comply with the National Privacy Principles as set out in the Privacy Act 1998 in relation to information collected under Part 2 of the Code of Conduct.	The National Privacy Principles and Privacy Act requirements have been formalised in the PE's Privacy Policy. The policy was written by PE Managing Director. The policy has been communicated to all PE staff. All confidential customer information is filed in customer files and on the PE server under specially labelled folders. It was noted that the PE Privacy Policy is in place, but has not formally been approved and lacks version control.	4		Ditto 18
140	If a retailer agrees to sell electricity to a customer or arrange for the connection of the customer's supply address, the retailer must forward the customer's request for the connection to the relevant distributor.	All information received from the customer is entered into the Web Portal. The Web Portal is a direct form of communication between the retailer (PE) and the distributor (WP). It was noted that the PE Sales Procedure is in place, but has not formally been approved and lacks version control.	4		Ditto 18
141	A retailer must forward the customer's request for the connection to the relevant distributor in the timeframe specified unless the customer agrees otherwise.	All requests for connection received from the customer are immediately logged via the use of the Web Portal. The status of the request is noted in the Web Portal and progress tracked by PE representative. It was noted that the PE Sales Procedure is in place, but has not formally been approved and lacks version control.	4		Ditto 18
177	A retailer must offer the specified minimum payment methods.	PE has outlined Direct Debt, Cheque and Credit Card as payment options in invoices send to customers and in customer standard and non-standard contracts. PE does not currently offer BPay, all its contracts are individually negotiated and payment options are agreed to with customers in accordance to 1.10 Code of Conduct. PE will be offering BPay options as well via the introduction of the new billing system.	3		Via the introduction of the new billing system, management to ensure that BPay is enabled as a payment option.

Ref	Licence Condition	Findings	Compliance Rating	Recommendations / Corrective Actions
			1-Low 5-High	
178	A retailer must comply with the Electronic Funds Transfer Code of Conduct in making an electronic payment.	PE ensures all EFT payments are reconciled to customer invoices and the bank statements. However the EFT code of conduct has not been distributed to its staff.	3	Management to ensure the EFT Code of Conduct is communicated to all billing staff.
238	A retailer must give notice of any variations in its tariffs to each of its customers affected by a variation, in the timeframes specified.	The condition is clearly outlined in the billing procedure. All customers affected by the increases in tariffs have been notified as at July 2007 via a letter from PE. It was noted that the Billing Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
239	A retailer must give a customer on request, at no charge, reasonable information on the retailer's tariffs, including alternative tariffs.	This condition has been outlined clearly in the Billing Procedure and also in the Account Management Procedure. Review of the two procedures outlines PE will give a customer on request, at no charge, reasonable information on the retailer's tariffs, including alternative tariffs It was noted that the Billing Procedures is in place, but has not formally been approved and lacks version control.	4	Ditto 18
240	A retailer must give a customer the information requested on tariffs in the manner and within the timeframes specified.	This condition has been outlined clearly in the Billing procedure and also in the Account Management Procedure. Review of the two procedures outlines PE will give a customer the information requested on tariffs within 8 business days of the date of receipt. It was noted that the Billing Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
245	A retailer must give a customer on request, at no charge, the concession information specified.	Review of the Account Management Procedure outlined the requirement. Management confirmed compliance. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
246	A retailer must give a customer on request, at no charge, the general energy efficiency information specified.	Review of the Account management procedure outlined the requirement. Management confirmed compliance. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
247	A retailer must give information to the customer, or refer the customer to the relevant distributor for a response, if asked by a customer for information relating to the distribution of electricity.	Review of the Account management procedure outlined the requirement. Discussions held with PE staff and management noted awareness of requirement. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18

Ref	Licence Condition	Findings	Compliance Rating	Recommendations / Corrective Actions
			1-Low 5-High	
255	A retailer, distributor and marketer must, to the extent practicable, ensure that any written information that must be given to a customer under the Code of Conduct is expressed in clear, simple, and concise language and is in a format that makes it easy	Review of the Sales procedure and checklist outlined written information to customer to be in simple and concise language. Nothing was noted to indicate otherwise during review of correspondence between PE and customer. It was noted that the Sales Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
256	A retailer and distributor must tell a customer on request how the customer can obtain a copy of the Code of Conduct.	Review of the account management procedure outlined PE to appoint an account manager for each of its customers. The account manager will be first point of contact between PE and customer, and will provide customer details of obtaining a Code of Conduct. PE has also got a copy of the Code of Conduct on its website. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
258	A retailer and distributor must make a copy of the Code of Conduct available for inspection, at no charge, at their offices.	Review of the account management procedure outlined PE to appoint an account manager for each of its customers. The account manager will be first point of contact between PE and customer, and will provide customer details of obtaining a Code of Conduct. A copy of the Code of Conduct is available for inspection at PE offices. PE also has published a copy of the Code of Conduct on its website. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
260	A retailer and, where appropriate a distributor, must include the telephone number for their special information services and for independent multi-lingual services, on the documents specified.	The telephone number for their special information services and for independent multi-lingual services is currently not provided to the customer.	2	Management to ensure that contact information for special information and for independent multi-lingual services is specified in the following: <ul style="list-style-type: none"> - bill and bill related information - reminder notices - disconnection warning - customer service charter.
262	A retailer must, if requested by a customer, advise the customer of the availability of different types of meters or refer the customer to the relevant distributor for a response.	Review of the Account management procedure outlined requirement. Discussions with management noted reference of customer to relevant distributor for a response. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18

Ref	Licence Condition	Findings	Compliance Rating	Recommendations / Corrective Actions
			1-Low 5-High	
265	A retailer and distributor must give a customer on request, at no charge, a copy of the Customer Service Charter.	Review of the Account management procedure outlined requirement. Discussions with management noted no cases where customer has requested for the customer charter. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
266	A retailer and distributor must dispatch a copy of the Customer Service Charter to a customer who requests a copy, within two business days of the request.	Review of the Account management procedure outlined requirement. Discussions with management noted no cases where customer has requested for the customer charter. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
267	A retailer and distributor must develop, maintain and implement an internal process for handling complaints and resolving disputes.	Review of PE Customer complaint Policy outlined process in place which addresses process for handling complaints and resolving disputes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	4	Ditto 18
268	A retailer and distributor must develop, maintain and implement a complaints handling process that meets the specified requirements.	Review of PE Customer complaint Policy outlined process in place which addresses process for handling complaints and resolving disputes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	4	Ditto 18
269	A retailer or distributor must at least provide the specified advice to a customer when handling a complaint.	Review of PE Customer complaint Policy outlined process in place which addresses process for handling complaints and resolving disputes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	4	Ditto 18
270	A retailer must comply with any guideline developed by the Authority relating to distinguishing customer queries from customer complaints.	Review of PE Customer complaint Policy outlined the difference between customer queries from customer complaints. This information is also outlined on PE customer charter. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	4	Ditto 18
271	A retailer, distributor and marketer must give a customer on request, at no charge, information that will assist the customer in utilising the respective complaints handling processes.	Review of PE Customer complaint Policy outlined process in place which addresses process for handling complaints and resolving disputes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	4	Ditto 18

Ref	Licence Condition	Findings	Compliance Rating	Recommendations / Corrective Actions
			1-Low 5-High	
273	A retailer, distributor or marketer must keep a record or other information as required to be kept by the Code of Conduct for at least two years from the last date on which the information was recorded, unless expressly provided otherwise.	Review of the Record Keeping Guidelines outlined the requirement. No exceptions were noted upon review of the customer complaints register. It was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	4	Ditto 18
275	A retailer must keep a record of the customer complaint indicators specified.	Review of the Record Keeping Guidelines outlined the requirement. No exceptions were noted upon review of the customer complaints register. It was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	4	Ditto 18
276	A retailer must keep a copy of each complaint referred to in clause 13.3(1) (including complaints made directly to a marketer).	Review of the Record Keeping Guidelines outlined the requirement. No exceptions were noted upon review of the customer complaints register. It was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	4	Ditto 18
277	A retailer must keep a record of the total number of payments and data on the average amount of payments made under the compensation indicators specified.	Review of the Record Keeping Guidelines outlined the requirement. No compensation was required to be paid during the audit period covered. No exceptions noted. It was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	4	Ditto 18
278	A retailer must keep a record of the call centre performance indicators specified.	Review of the Record Keeping Guidelines outlined the requirement. Management noted, due to the nature of PE client base, and small client base PE does not have a Call centre. Calls are all addressed by company employees and policy is to pick up phone by 3rd ring. The new Billing system will have the ability to capture all customer dialogue and correspondence. There is a lack of formal monitoring of calls to ensure that they are answered in accordance with the documented policy. PE does not have formal call centre performance indicators developed. Further it was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	2	Management ensure that formal call centre performance indicators are developed and that PE keeps a record of the call centre performance against the indicators specified. Management ensure the new Billing system is able to capture customer dialogue and correspondence. Further it is recommended that management add version control and formally approve all documented policies and procedures. Further management should ensure the policies and procedures are reviewed on regular basis for accuracy and completeness.

Ref	Licence Condition	Findings	Compliance Rating	Recommendations / Corrective Actions
			1-Low 5-High	
291	A retailer must pay the stated compensation to a customer where the customer is not reconnected in the manner specified and an exception to payment does not apply.	The Account management procedures outline the requirement. No compensation was required to be paid during the audit period covered. No exceptions noted. It was noted that that the Account Management Procedures are in place, but have not formally been approved and a lack of version control.	4	Ditto 18
293	A retailer must pay the stated compensation to a customer where the retailer has failed to follow any of the specified procedures prior to disconnection for a failure to pay and an exception to payment does not apply.	The Account management procedures outline the requirement. No compensation was required to be paid during the audit period covered. No exceptions noted. It was noted that the Account Management Procedures are in place, but have not formally been approved and a lack of version control.	4	Ditto 18
294	A retailer must acknowledge and respond to a written query or complaint by a customer within the timeframes prescribed.	The Account management procedures outline the requirement to acknowledge receipt of the Complaint within five business days and respond in writing within twenty business days. Review of the dispute register indicated one complaint during the audit period. The complaint was acknowledged and responded to within the timeframes prescribed. No exceptions noted. It was noted that the Account Management Procedures are in place, but have not formally been approved and a lack of version control.	4	Ditto 18
295	A retailer must pay the stated compensation to a customer where the retailer has failed to acknowledge or respond to a query or complaint within the timeframes prescribed and an exception to payment does not apply.	Review of the Customer compliant Policy outlined PE's must pay the stated compensation to a customer in the event of failing to acknowledge or respond to a query or complaint within the required manner and timeframes. It was noted that the Customer Complaint Policy is in place, but have not formally been approved and a lack of version control.	4	Ditto 18
298	A retailer who is required to make a compensation payment for failing to satisfy a service standard, must do so in the manner specified.	The Account management procedures outline the requirement to make a compensation payment for failing to satisfy a service standard, in the manner specified by the code of conduct. Review of the dispute register indicated one complaint during the audit period. No compensation was required to be paid. No exceptions noted. It was noted that the Account Management Procedures are in place, but have not formally been approved and a lack of version control.	4	Ditto 18

Ref	Licence Condition	Findings	Compliance Rating 1-Low 5-High	Recommendations / Corrective Actions
422	A Code participant must not disclose, or permit the disclosure of, confidential information provided to it under or in connection with the Code and may only use or reproduce confidential information for the purpose for which it was disclosed or another purpose contemplated by the Code.	Customer confidential information is treated in an appropriate manner in accordance with the Sales Procedures and the Privacy Policy. Nothing has come to our attention to suggest otherwise. It was noted that the Sales Procedures and the Privacy Policy are in place, but have not formally been approved and a lack of version control.	4	Ditto 18
423	A Code participant must disclose or permit the disclosure of confidential information that is required to be disclosed by the Code.	Customer confidential information is treated in an appropriate manner in accordance with the Sales Procedures and the Privacy Policy. Nothing has come to our attention to suggest otherwise. It was noted that the Sales Procedures and the Privacy Policy are in place, but have not formally been approved and a lack of version control.	4	Ditto 18

Other Information

A summary of the resources utilised in the performance of the audit are listed below, minor resource use and support staff have not been included in the list. Hours are totalled up to the delivery of the first draft audit report.

Resource	Description	Hours
Travis McAuliffe	Partner	8
Sake Van Weeghel	Manager	42
Boris Simonovski	Assistant Manager	18
Damir Petrovic	Senior Advisor	55
Uttara Merchant	Advisor	64
	Total	187

Appendix 1

Performance Audit – detailed results

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Section 6: Electricity Industry Metering Code - LICENCE CONDITIONS AND OBLIGATIONS

Appendix 2

Post Audit Implementation Plan Summary

The Post Audit Implementation Plan (PAI Plan) is outlined below. Each key finding and recommendation arising from the Operations / Performance Audits Audit has been listed in the in the PAI Plan. For each recommendation the Licensee has recorded response and corrective action, responsibility for the actions and a proposed date for completion.

Appendix 3

Reference – Acts, Regulations, Codes and Standards

Reference and Licensee's Documents

- Perth Energy Compliance Report 1 July 2006 to 30 June 2007
- Perth Energy Compliance Report 1 July 2007 to 30 June 2008
- Perth Energy Customer Charter
- Notes to Financial Statements
- ERA and Perth Energy Correspondence
- Perth Energy Small Use Customer Information Package and Application
- Electrical Transfer Access Contract between Electricity Networks Corporation and Perth Energy
- Energy Industry Ombudsman (WA) Limited Annual Report 2007
- 2008/09 Price List – Western Power
- Network Access Agreement between Electricity Networks Corporation and Perth Energy
- Western Australian Electricity Market Build Pack, Web portal Functional Specification
- Metering Code model Service Level Agreement
- Perth Energy Standard form contract template
- Perth Energy Non-Standard form contract template
- Perth Energy Customer Database
- Perth Energy Sales Process Procedure and Checklist
- Perth Energy Customer Complaint Policy
- Perth Energy Privacy Policy
- Perth Energy Customer Contracts Guidelines
- Perth Energy Customer Data Guidelines
- Perth Energy Account Management Procedure
- Perth Energy Marketing procedure guidelines
- Perth Energy Record Keeping Guidelines
- Perth Energy List of Customer accounts held

Acts, Regulations, Codes and Standards

- Electricity Industry Customer Transfer Code 2004
- Electricity Industry Metering Code 2005
- Audit Guidelines: Electricity, Gas and Water Licences 2006
- Electricity Compliance Reporting Manual March 2008
- Electricity Industry (Ombudsman Scheme) Regulation 2005

Appendix 1 – Performance Audit - Detailed Results

Ref	Licence Conditions Ref	Code of Conduct Clause	Licence Condition Description	Risk Type	Risk Consequence Rating	Likelihood	Inherent Risk Rating	Existing Controls	Audit Priority	Audit Testing	Findings	Compliance Rating	Recommendations / Corrective Actions
					Minor Moderate Major	Likely Probable Unlikely			1-High 5-Low	To access compliance/effectiveness		1-Low 5-High	
Section 1: Electrical Industry Customer Transfer Code - LICENCE CONDITIONS AND OBLIGATIONS													
6	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.2(2)	A retailer must submit a separate data request for each exit point unless otherwise agreed.	2	Minor, submitting more than one request	Unlikely	Low	Web portal only allows separate requests.	5	Discussions with management to assess controls and review of Web Portal.	This is a Web Portal system control. Web portal allows only one exit point to be requested at a time.	5	
7	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.4(1)	A retailer, unless otherwise agreed, must submit a data request electronically and must not submit more than a prescribed number of standing or historical data requests in a business day.	2	Minor, not submitting an electronic request	Unlikely	Low	Web Portal acts as the only access for data.	5	Discussions with management to assess controls and review of Web Portal.	Data requests can only be submitted via the Web Portal. There is a maximum of 20 requests per day. Web Portal does not allow more than the maximum. System Control.	5	
8	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.5(3)	A retailer must withdraw a request for historical consumption data if the contestable customer's verifiable consent ceases to apply before the network operator provides the historical consumption data.	2	Minor, retailer receives data without consent of customer	Unlikely	Low	Data requests are returned usually within 1 business day.	5	Discussions with management and review of data requests.	Communication links in place with WP Account Manager to withdraw requests if necessary. No such instance have occurred to date.	5	
9	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.6(2)	A retailer must pay any reasonable costs incurred by the network operator for work performed in relation to a withdrawn request for historical consumption data.	2	Minor, retailer does not pay	Unlikely	Low	Western Power does not currently charge for the service.	5	Discussions with management Review billing procedure and supporting documentation	No instances have occurred to date. Any changes would be incurred by the PE. PE does not get charged by WP for data requests.	5	
16	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.9(1)	A retailer may only use data relating to a contestable customer to provide a contestable customer with a quotation for the supply of electricity by the retailer to the contestable customer or to initiate a transfer in relation to the contestable customer.	2	Minor, using the data for some other purposes	Unlikely	Low	PE only uses the data to provide quotes to customer. This is outlined in the sales procedures and Privacy Policy.	5	Discussions with management Review sales procedures, Privacy Policy and supporting documentation	Data is only used for quotation purposes. Data is only retrieved in instances where PE is contacted by customer.	5	
17	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.9(2)	A retailer must not aggregate a contestable customer's historical consumption data with that of other contestable customers for the purposes of internal business development, if requested not to do so by the customer.	2	Moderate, unauthorized use of customer data	Unlikely	Medium	PE only uses the data to provide quotes to customer. This is outlined in the Sales Procedures and Privacy Policy.	4	Discussions with management to assess controls and review of Sales Procedure and Privacy Policy.	All customer requests are followed up. No such request have been received to date.	5	
18	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.9(3)	A retailer must not disclose a contestable customer's data to any other person without the verifiable consent of the contestable customer, except in the circumstances defined.	2	Moderate, unauthorized use of customer data	Unlikely	Medium	PE only uses the data to provide quotes to customer. This is outlined in the Sales Procedures and Privacy Policy.	4	Discussions with management to assess controls and review of Sales Procedure and Privacy Policy.	The requirement is outlined in the Sales Procedure. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	4	It is recommended that management add version control and formally approve all documented policies and procedures. Further management should ensure the policies and procedures are reviewed on regular basis for accuracy and completeness.
19	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 3.9(4)	A retailer must keep a copy of the verifiable consent received from a contestable customer for two years.	2	Moderate, unauthorized use of customer data	Unlikely	Medium	PE requests electronic consent which is store indefinitely on the customer files.	4	Discussions with management to assess controls and selected a sample of 7 customer files for review for evidence of variable customer consent.	Sales Procedure outlines the requirement. Email stored on customer file. A sample of 7 customer files were tested with no exceptions noted. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	4	Ditto 18
23	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.2(2)	A retailer must submit a separate customer transfer request for each exit point unless otherwise agreed.	2	Minor, submitting more than one request	Unlikely	Low	Web Portal only allows separate requests. System control.	5	Discussion with management Review and assess Web Portal controls in place.	Web Portal only allows individual submission. System Control.	5	
24	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.3	A retailer's reason for a transfer must be specified in the customer transfer request form as either to transfer a contestable customer to the retailer which submitted the customer transfer request or to reverse an erroneous transfer.	2	Minor, transfer reason not specified	Unlikely	Low	Web Portal requires reason to be specified in a mandatory field.	5	Discussion with management Review and assess Web Portal controls in place.	Web Portal applications requires retailer's reason for transfer to be specified in a mandatory field. System control.	5	
25	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.4(1)	A retailer may only submit a customer transfer request if it has an access contract for the network, unless it is to reverse an erroneous transfer.	2	Minor, transfer of customer without access agreement	Unlikely	Low	Web portal requires access agreement to be specified.	5	Discussion with management Review and assess Web Portal controls in place.	This is a system control as the Web Portal requires the access agreement to be specified prior to being able to proceed with the application.	5	
26	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.4(2)	A retailer that submits a customer transfer request to reverse an erroneous transfer must ensure the transfer was made in error and, if it is an incoming retailer, confirm the identity of the previous retailer.	2	Minor, transfer of customer is not reversed	Unlikely	Low	PE's contract with the customer clearly outline the locations to be transferred. Any potential errors would be referred back to the customer contract to confirm error.	5	Discussion with management Review of customer contracts to confirm that locations to be transferred are clearly specified. Review the Sales Procedures.	Procedure for processing a request to reverse an erroneous transfer is outlined in the Sales Procedure. Web portal has a specified provisions for erroneous transfers. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	4	Ditto 18
27	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.5(1)	A retailer, unless otherwise agreed, 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.	2	Minor, too many transfer requests	Unlikely	Low	Web Portal only allows a maximum of 20 customer transfer requests per day.	5	Discussion with management Review and assess Web Portal controls in place.	This is a Web Portal system control.	5	
28	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.6(3)	A retailer must withdraw a customer transfer request if the contestable customer's verifiable consent ceases to apply before the transfer occurs.	2	Minor, transferring customer without consent	Unlikely	Low	PE management ensure compliance by following customer instructions at all times. The requirement is outlined in the Sales Procedures.	5	Review a sample of Transfer request and ensure customer's verifiable consent is evident.	No exceptions noted. The requirement is outlined in the sales procedure. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	4	Ditto 18
29	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code 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.	2	Minor, date not specified	Unlikely	Low	Web Portal requires transfer date to be specified in a mandatory field. For exit points in metropolitan area the transfer dates are nominated within 3 business days. If the exit point is not in the metropolitan area the transfer dates are nominated within 5 business days.	5	Discussions with management to assess controls and review of Web portal.	Web Portal requires the transfer date to be specified. This is a system control.	5	
30	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.8(2)	A retailer must pay any reasonable costs incurred by a network operator for providing and/or installing a meter if a customer transfer request is withdrawn.	2	Minor, not paying the costs incurred for new meter installation	Unlikely	Low	Electricity Transfer Access Contract (ETAC) section 7 and 8 outline that any costs incurred by the network operator associated with providing and/or installing a meter if a customer transfer request is withdrawn are a liability to PE. However, ETAC has not been formally endorsed by the relevant parties. An Access Agreement is in place to meet the requirement.	5	Discussions with management. Review Billing Procedure, ETAC and a sample of customer invoices.	A review of a sample of customer invoices did not indicate any charges associated with providing and / or installing a meter. Further we were advised that to date WP has never charged PE any costs associated with providing and / or installing meters. Electricity Transfer Access Contract (ETAC) section 7 and 8 specify that any costs such costs incurred by WP would be reimbursed by PE. ETAC has not been formally endorsed by relevant parties. An existing Network Access Agreement is in place to meet this requirement. The Network Access Agreement is valid till 1 June 2009.	5	
34	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.9(6)	A network operator and retailer must agree to a revised nominated transfer date in certain circumstances.	2	Minor, no agreement	Likely	Medium	PE works with WP Account Manager to ensure any revised nominated transfer dates are agreed.	4	Discussions with management.	No such instances have occurred in the past. Any changes would have to be agreed to by all parties involved.	5	
39	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.11(3)	A network operator and the retailer must take certain action if the contestable customer's meter is not read on the nominated transfer date.	2	Minor, not taking action	Unlikely	Low	PE works with WP Account Manager to ensure transfers are processed in a timely manner. Any issues identified are resolved with the agreement of all parties involved.	5	Discussions with management to assess controls.	No transfers are able to be completed with a meter reading being performed prior. WP is responsible for the meter readings. Continuous dialogue exists between PE and WP Account Manager to ensure any delays are addressed in a timely manner.	5	
40	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.12(3)	The parties to an access contract must negotiate in good faith any necessary amendments to the access contract arising from certain circumstances.	NR	Minor, not negotiating necessary amendments	Unlikely	Low	PE works with WP account managers to resolve all issues. All amendments to the access contract have been formally agreed.	5	Discussions with management to assess controls over contract management.	PE has agreed to Terms and Conditions of the Network Access Agreement.	5	
43	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.15	In the case of a transfer to reverse an erroneous transfer, a network operator and all affected retailers (and the independent market operator if applicable) must act in good faith to ensure that the rights and obligations of the affected contestable customer are as they would have been had the erroneous transfer not occurred.	NR	Minor, not acting in good faith	Probable	Low	There are formally developed policies and procedures in place to ensure that the rights and obligations of the affected contestable customer are as they would have been had the erroneous transfer not occurred.	5	Discussions with management. Review of the Customer Service Charter and Complaints Handling Procedures.	The Customer Service Charter and the Complaints Handling Procedures outline the rights of the customer. PE works closely with the WP Account Manager to resolve the issue in a timely manner. It was noted that the Customer Service Charter and Complaints Handling Procedures are in place, but have not formally been approved and lack version control.	4	Ditto 18
44	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.16	An incoming retailer must retain a copy of a verifiable consent given by a contestable customer in relation to the lodgement of a customer transfer request for two years, except in the case of a customer transfer request to reverse an erroneous transfer.	2	Minor, transferring customer without consent	Unlikely	Low	Customer signs a contract with PE for a specified term. The contract is placed on the customer file.	5	Discussions with management. Review of customer files to ensure evidence of formal contracts with customers.	Customers sign contracts with PE. All contracts are stored in customer files. A sample of signed customer contracts was sighted. The process is outlined in the Sales Procedures. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	4	Ditto 18
45	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 4.17	A previous retailer must not bill a contestable customer for charges incurred after the transfer time, except in the case of an erroneous transfer.	2	Minor, billing after transfer date	Unlikely	Low	PE Billing Procedures state that the customer should only be billed for the period specified in the contract and that all reasonable steps should be taken to ensure accurate billing.	5	Discussions with management. Review Billing Procedure.	Review of Billing procedures outlined that customers should only be billed for the period specified in the contract except in the case of an erroneous transfer. The bills are generated based on consumption metering data retrieved via the Web Portal. It was noted that the Billing Procedures are in place, but have not formally been approved and lack version control.	4	Ditto 18

Appendix 1 – Performance Audit - Detailed Results

Ref	Licence Conditions Ref	Code of Conduct Clause	Licence Condition Description	Risk Type	Risk Consequence Rating	Likelihood	Inherent Risk Rating	Existing Controls	Audit Priority	Audit Testing	Findings	Compliance Rating	Recommendations / Corrective Actions
48	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 5.1(4)	A network operator and a retailer must comply with approved communication rules.	2	Minor, not complying with communication rules	Unlikely	Low	PE communicates with WP via the Web Portal. Further communications take place via the phone with the WP Account Manager in circumstances where the urgent matters are identified and need immediate attention.	5	Discussions with management. Review of Electricity Transfer Access Contract (ETAC). Consideration of Web Portal communication protocols.	Electricity Transfer Access Contract (ETAC) and the current Network Access Agreement outline the communication protocols between PE and WP. The Network Access Agreement is valid till 1 June 2009.	5	
49	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 6.2	A licensee's notice in relation to a data request or customer transfer request must identify the exit point to which it relates.	2	Minor, not identifying exit point	Unlikely	Low	The Web Portal requires exit point details for all requests to be provided in mandatory field. The application can not be processed until the information is provided.	5	Discussions with management. Review of Web Portal system controls.	Web portal system control. The meter number must be specified (NMI) prior to proceeding with the application.	5	
52	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 6.4(1)	A retailer must notify its contact details to a network operator within three business days of a request.	2	Minor, not notifying network operator of contact details	Unlikely	Low	PE management ensures compliance.	5	Discussion with Management. Review of supporting documentation to assess the timeliness of notifying the contact details to network operator.	All requests received from network operator are addressed in a timely manner. Nothing has to come to our attention to suggest otherwise. To date no such requests have been received by PE.	5	
53	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 6.4(2)	A retailer must notify any change in its contact details to a network operator at least three business days before the change takes effect.	2	Minor, not notifying network operator of contact details	Unlikely	Low	PE management ensures compliance.	5	Discussions with management to assess controls and review of supporting documentation	Change of details are sent out immediately in advance. Electricity Transfer Access Contract (ETAC) section 35 outlines processes for notification of change of details. ETAC has not been formally endorsed by relevant parties. A Network Access Agreement is in place to meet the requirement. The Network Access Agreement is valid till 1 June 2009.	5	
54	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 6.6	A network operator or a retailer must send required electronic communications to the applicable electronic communication address, in accordance with Annex 6.	2	Minor, not sending electronic communications in accordance with Annex 6	Unlikely	Low	PE management ensures compliance via the use of the Web Portal when communicating with WP.	5	Discussions with management to assess controls and review of supporting documentation	All communications are in accordance with the procedures outline in the contract. Majority of communication is via Web portal, with reminder through email correspondence and phone. Protocols for Notices is outlined in the ETAC section 34 and section 18 of the Network Access Agreement.	5	
55	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 7.1(1)	For a dispute in respect of a matter under or in connection with the Electricity Industry Customer Transfer Code, any disputing party must meet within five business days of a request from another disputing party and attempt to resolve the dispute by negotiations in good faith.	NR	Moderate, not meeting within 5 days to settle dispute	Probable	Medium	PE management ensures compliance. The dispute resolution process is outlined in the "Standard Form Contract" section 54.55 & 56. The ESA also clearly outlines the dispute resolution process.	4	Review of the Standard Form Contract and ESA for dispute resolution processes. Review of the complaints register to ensure any disputes have been appropriately escalated in accordance with the documented processes.	Dispute Resolution Process is outlined in the "Standard Form Contract" section 54.55 & 56. The ESA clearly outlines the dispute resolution process. Review of the complaints register outlined one instance where the dispute resolution process was followed. No exceptions noted.	5	
56	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 7.1(2)	If the negotiations in 7.1(1) of the Electricity Industry Customer Transfer Code do not resolve the dispute within 10 days after the first meeting, the dispute must be referred to the senior executive officer of each disputing party who must attempt to resolve the dispute by negotiations in good faith.	NR	Moderate, not meeting within 10 days to settle dispute	Probable	Medium	PE management ensures compliance. The dispute resolution process is outlined in the "Standard Form Contract" section 54.55 & 56. The ESA also clearly outlines the dispute resolution process.	4	Review of the Standard Form Contract and ESA for dispute resolution processes. Review of the complaints register to ensure any disputes have been appropriately escalated in accordance with the documented processes.	Dispute Resolution Process is outlined in the "Standard Form Contract" section 54.55 & 56. The ESA clearly outlines the dispute resolution process. Review of the complaints register outlined one instance where the issue raised with the customer was done in accordance with the dispute resolution process.	5	
57	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 7.1(3)	If the dispute is resolved, the disputing parties must prepare a written and signed record of the resolution and adhere to the resolution.	2	Minor, not preparing written and signed record	Unlikely	Low	PE management ensures compliance. The dispute resolution process is outlined in the "Standard Form Contract" section 54.55 & 56. The ESA also clearly outlines the dispute resolution process.	5	Review of the Standard Form Contract and ESA for dispute resolution processes. Review of the complaints register to ensure any disputes have been appropriately escalated in accordance with the documented processes.	Dispute Resolution Process is outlined in the "Standard Form Contract" section 54.55 & 56. The ESA clearly outlines the dispute resolution process. Review of the complaints register outlined one instance where the issue raised with the customer was done in accordance with the dispute resolution process. One instance where the parties agreed on action plan going forward. The agreement was in writing and signed by customer management and PE management. No exceptions noted.	5	
58	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 7.2(4)	A disputing party that refers a dispute to the Authority must give notice to the Authority of the nature of the dispute, including specified details.	NR	Minor, not giving the Authority the specified details	Probable	Low	PE management ensures compliance. The dispute resolution process is outlined in the "Standard Form Contract" section 54.55 & 56. The ESA also clearly outlines the dispute resolution process.	5	Discussions with management to assess controls around dispute resolution process. Review of the complaints register.	Dispute Resolution Process is outlined in the "Standard Form Contract" section 54.55 & 57. The ESA clearly outlines the dispute resolution process. No formal disputes have been identified and escalated through the dispute resolution process, thus N/A.	5	
59	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code clause 7.3(2)	A disputing party must at all times conduct itself in a manner which is directed towards achieving the objectives in clause 7.3(1) of the Electricity Industry Customer Transfer Code.	NR	Minor, not acting in good faith	Unlikely	Low	PE management ensures compliance. The dispute resolution process is outlined in the "Standard Form Contract" section 54.55 & 56. The ESA also clearly outlines the dispute resolution process.	5	Discussions with management to assess controls around dispute resolution process. Review of the complaints register.	Nothing has come to our attention to suggest that PE is not acting in compliance with the objectives set out in clause 7.3(1) of the Electricity Industry Customer Transfer Code.	5	
68	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code Annex 6 clause A6.2(a)	A network operator and a retailer must use reasonable endeavours to ensure that its information system on which electronic communications are made is operational 24 hours a day and 7 days a week.	NR	Minor, communication system fails	Unlikely	Low	Web Portal is operational 24 hours a day. Web Portal is maintained by WP. PE information systems are made operation 24 hours a day as part of normal course of business.	5	Discussions with management. Review PE information systems in place and ensure that they are operational 24 hours a day.	WP Portal is operational 24 hours a day. Web Portal is maintained by WP. Further it was noted that all PE information systems (e.g. Microsoft Products and PE server are operational 24 hours a day.	5	
69	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code Annex 6 clause A6.2(b)	A network operator and a retailer must establish a mechanism to generate an automated response message for each electronic communication (other than an automated response message) received at the electronic communication address.	2	Minor, no automated response messages sent	Unlikely	Low	PE has arrangement in place with WP. The WP Web Portal generates the automated responses to acknowledge receipt of communications and requests.	5	Discussions with management to assess controls. Review of the Web Portal communication protocols and functions.	All correspondence between PE and WP is noted in the Web Portal via the "view messages" status. Correspondence is noted as either pending, completed or rejected.	5	
70	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code Annex 6 clause A6.6	The originator of an electronic communication must identify itself in the communication.	NR	Minor, identity not specified	Unlikely	Low	Standard email signatures and letter templates are used for all communication.	5	Discussions with management to assess controls. Review email signatures and letter heads to ensure that the originator of the electronic communication is clearly identified.	Standard email signatures and letter templates are used for all communication. All verbal discussions commence with an introduction from PE representative on who they are and the purpose of the call.	5	
71	Electricity Industry (Licence Conditions) Regulations regulation 5(2)	Electricity Industry Customer Transfer Code Annex 6 clause A6.7	The originator of an electronic communication must use reasonable endeavours to adopt a consistent data format for information over time, to facilitate any automated processing of the information by the addressee.	NR	Minor, not using consistent data format	Unlikely	Low	PE has arrangement in place with WP. WP portal specifies communication protocols.	5	Discussions with management to assess controls. Review Web Portal data transfer protocols.	Web portal is used as primary mean of communication between WP and PE. The system application allows automatic transfer of data between PE and WP. The process is designed so that data communicated is easily integrated into the PE and WP system.	5	
Section 2: Electrical Industry (Licence Conditions) Regulators - LICENCE CONDITIONS AND OBLIGATIONS													
78	Electricity Industry (Licence Conditions) Regulations regulation 6	Electricity Industry (Licence Conditions) Regulations regulation 6	The electricity corporation must offer to purchase renewable source electricity, under an approved contract, from an eligible customer who wishes to sell such electricity to the corporation.	2	N/A	N/A	N/A	PE is not the electricity corporation	N/A	Not applicable	N/A	N/A	
79	Electricity Industry (Licence Conditions) Regulations regulation 7	Electricity Industry (Licence Conditions) Regulations regulation 7	The electricity corporation must, as soon as practicable after the end of each financial year, submit a written report to the Coordinator regarding its costs in purchasing renewable source electricity under approved contracts.	NR	N/A	N/A	N/A	PE is not the electricity corporation	N/A	Not applicable	N/A	N/A	
80	Electricity Industry (Licence Conditions) Regulations regulation 8(8)	Electricity Industry (Licence Conditions) Regulations regulation 8(8)	The electricity corporation must comply with a direction given by the Coordinator under regulation 8(5) of the Electricity Industry (Licence Conditions) Regulations to submit an appropriate amendment to its contract to provide for the purchase of renewable source of electricity.	NR	N/A	N/A	N/A	PE is not the electricity corporation	N/A	Not applicable	N/A	N/A	
Section 3: Electrical Industry Act - LICENCE CONDITIONS AND OBLIGATIONS													
81	Retail Licence condition 22.1	Electricity Industry Act section 13(1)	A licensee must, not less than once every 24 months, provide the Authority with a performance audit conducted by an independent expert acceptable to the Authority.	NR	Moderate, failure to provide the Authority with a Performance Audit	Unlikely	Medium	External party (KPMG) has been appointed to conduct the audit.	4	KPMG engaged for performance audit.	KPMG engaged for performance audit.	5	
85	Retail Licence condition 4.1	Electricity Industry Act section 17(1)	A licensee must pay to the Authority the prescribed licence fee within one month after the day of grant or renewal of the licence and within one month after each anniversary of that day during the term of the licence.	NR	Moderate, non payment of licence fee as per legislative requirements i.e. before the 30th July of each year	Unlikely	Medium	No set of policies and procedures in place, but management ensures payment to be transferred before 30 July of each year.	4	Review of prior payments to assess timeliness.	All monies owing to the Authority have been paid in a timely manner.	5	
86	Retail Licence condition 5.1	Electricity Industry Act section 31(3)	A licensee must take reasonable steps to minimise the extent or duration of any interruption, suspension or restriction of the supply of electricity due to an accident, emergency, potential danger or other unavoidable cause.	NR	Minor, loss of availability and failure to meet obligations	Unlikely	Low	Supply of electricity is managed by Western Power in time of physical break down. Perth Energy has a hotline contact (Account Manager) with Western Power, and have access to the system operation control centre (SOCC) and network operation control centre (NOCC). All failure of electricity is documented through email to customer and Western Power.	5	Discussion with management. Review of information given to customers advising of the hotline number.	Supply of electricity is managed by Western Power in time of physical break down. PE does not have direct control over supply of electricity. Perth Energy has a hotline contact (Account Manager) with Western Power, and have access to the system operation control centre (SOCC) and network operation control centre (NOCC). All failure to electricity is documented through email to customer and Western Power.	5	
87	Retail Licence condition 5.1	Electricity Industry Act section 41(6)	A licensee must pay the costs of taking an interest in land or an easement over land.	2	N/A	N/A	N/A	N/A	N/A	Perth Energy has no physical interest in land	N/A	N/A	

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88	Retail Licence condition 13.1	Electricity Industry Act section 54(1)	A retail licensee must not supply electricity to a small use customer otherwise than under a standard form contract or a non-standard form contract.	2	Moderate, breach of legislation	Unlikely	Medium	All customers are entered into a contract before being supplied with electricity and small use customers also get an information pack.	4	Review a sample of contracts to ensure that contracts are entered into prior to electricity supply.	All customers enter into a contract before being supplied with electricity. Contracts are placed on customer files are integral part of the Sales Process Procedure Checklist. A review of a sample of 15 customer files noted contracts in place for all customers. It was noted that the Sales Procedures and the Checklist are in place, but have not formally been approved and lack version control.	4	Ditto 18
89	Retail Licence condition 14.4	Electricity Industry Act section 54(2)	A licensee must comply with any direction by the Authority to amend the standard form contract and do so within the period specified.	2	Minor, failure to comply to directions from the Authority	Unlikely	Low	No set of policies and procedures in place but management ensures compliance by following all instructions received from the Authority.	5	Review the correspondence file from the Authority and ensure all instructions received from the Authority have been adequately addressed in a timely manner.	PE maintains a file with all the correspondence between the Authority and PE. The file was reviewed and no outstanding instructions from the Authority were noted.	5	
93	Retail Licence condition 17.1	Electricity Industry Act section 76	If a designation under section 71(1) of the Electricity Industry Act is in force a licensee must perform the functions of a retailer of last resort and must carry out the supplier of last resort plan if it comes into operation under section 70 of the Electricity Industry Act.	2	N/A	N/A	N/A	N/A	N/A	Synergy is the supplier of last resort.	N/A	N/A	
94	Retail Licence condition 19.1	Electricity Industry Act section 101	A retail licensee must not supply electricity to small use customers unless the licensee is a member of an approved scheme and is bound by and compliant with any decision or direction of the electricity ombudsman under the approved scheme.	2	Moderate, supply electricity to unauthorised customers	Unlikely	Medium	Perth Energy is a member of an approved scheme.	4	Sight membership details and agreement.	Membership details sighted in the Energy industry Ombudsman Annual Report 2007.	5	
96	Retail Licence condition 5.1	Electricity Industry Act section 115(2)	A licensee that has, or is an associate of a person that has, access to services under an access agreement must not engage in conduct for the purpose of hindering or prohibiting access.	2	Minor, failure to comply to the access agreement	Unlikely	Low	Perth Energy has an access agreement with Western power to access the network.	5	Review of access agreement to ensure that it is up to date.	PE has an Access Agreement in place which meets the requirement. The Access Agreement is valid till 1 June 2009. An Electricity Transfer Access Contract (ETAC) has been developed and agreed to in principle by WP and PE. ETAC will replace the current Access Agreement once it is formally endorsed. Due to the size of the agreement (financial terms), it has not yet been formally endorsed as it requires the approval of the WA Minister for Energy.	4	Management ensure that the Electricity Transfer Access Contract (ETAC) is formally endorsed by the WA Minister for Energy.
Section 4: Electrical Licences - LICENCE CONDITIONS AND OBLIGATIONS													
97	Retail Licence condition 6.1	Electricity Industry Act section 11	A licensee must ensure that an electricity marketing agent of the licensee complies with the applicable codes.	2	Moderate, non compliance of marketing agent to applicable codes	Probable	Medium	Perth Energy handles all marketing, and officers at Perth Energy are aware of the code. No electricity marketing agents are used by PE.	4	Discussion with management. Ensure Marketing Agents are not used by PE.	Marketing Procedures and Guidelines have been developed along with the Customer Contract Guidelines. No marketing is performed by agents. It was noted that the Marketing Procedures and Guidelines are in place, but have not formally been approved and lack version control.	4	Ditto 18
98	Retail Licence condition 6.2	Electricity Industry Act section 11	The licensee must report a breach of the applicable code conditions by an electricity marketing agent to the Authority within the prescribed timeframe.	2	Moderate, failure to report breaches within the prescribed timeframe	Probable	Medium	Perth Energy handles all marketing, and officers at Perth Energy are aware of the code. This is due to the formal arrangement Perth Energy has entered into with Comm Assist. Referral agents are not involved with Perth Energy's marketing and are not provided with any marketing information relating to PE.	4	Discussion with management. Review reports to the Authority identifying any breaches. Review the broking Agreement between Comm Assist and PE.	PE has engaged Comm Assist to act as a referral agent for PE. Based on advice received from the Manager Customer Protection of the Authority on 28 November 2007, Comm Assist does not appear to have been defined as a marketing agent and is not subject to reporting requirements. A Broking Agreement has been agreed to in principle between PE and Comm Assist. The Agreement specifically prohibits Comm Assist acting as a marketing agent. The Broking Agreement has not been formally signed.	4	Management ensure that the Broking Agreement between Comm Assist and PE is formally signed.
99	Retail Licence condition 13.2	Electricity Industry Act section 11	A licensee must, if directed by the Authority, review the standard form contract and submit to the Authority the results of that review within the time specified by the Authority.	NR	All correspondence between PE and the Authority is maintained in a correspondence file. PE management ensures all instructions received from the Authority are actioned in a timely manner as instructed.	Unlikely	Low	All correspondence between PE and the Authority is maintained in a correspondence file. PE management ensures all instructions received from the Authority are actioned in a timely manner as instructed.	5	Review correspondence to/from the Authority	A review of the correspondence file did not identify any such instructions from the Authority.	5	
100	Retail Licence condition 13.3	Electricity Industry Act section 11	A licensee must comply with any direction given by the Authority in relation to the scope, process and methodology of the standard form contract review.	NR	Minor, failure to comply to requirements of the Authority	Unlikely	Low	All correspondence between PE and the Authority is maintained in a correspondence file. PE management ensures all instructions received from the Authority are actioned in a timely manner as instructed.	5	Review correspondence file to/from the Authority.	A review of the correspondence file did not identify any such instructions from the Authority.	5	
101	Retail Licence condition 14.1	Electricity Industry Act section 11	A licensee may only amend the standard form contract with the Authority's approval.	2	Moderate, unauthorised amendments to the standard form contract	Unlikely	Low	Management are aware of the requirement and ensure Authority Approval is obtained prior to any changes to the standard form contract.	5	Review correspondence file to/from the Authority.	No changes to the standard form contract have been made without the approval from the Authority. Approval was obtained from the Authority for all standard form contract changes, as noted in the Authority correspondence file.	5	
102	Retail Licence condition 15.2	Electricity Industry Act section 11	A licensee must, unless otherwise notified in writing by the Authority, review the customer service charter within the timeframe specified, and submit to the Authority the results of that review within 5 days after it is completed.	2	Minor, failure to comply to requirements of the Authority	Unlikely	Low	No general set of policies and procedures, management ensures the Charter is updated and also posted on the website. Calendar reminder is in place to ensure the Charter is reviewed in the specified timeframes.	5	Review correspondence file to/from the Authority. Assess version control of customer charter document.	Customer Service Charter was last reviewed in October 2008. Notification was sent to the Authority with no objections expressed by the Authority.	5	
105	Retail Licence condition 20.1	Electricity Industry Act section 11	A licensee and any related body corporate must maintain accounting records that comply with the Australian Accounting Standards Board Standards or equivalent International Accounting Standards.	2	Minor, failure to maintain accounting records	Unlikely	Low	All accounts comply with AASB as per notes to the financial statements.	5	Sight evidence of auditors opinion and financial statements to ensure compliance AASB for accuracy.	All accounts comply with AASB as per the notes to the financial statements.	5	
106	Retail Licence condition 21.4	Electricity Industry Act section 11	A licensee must comply with any individual performance standards prescribed by the Authority.	2	Minor, failure to comply to performance standards by the Authority	Unlikely	Low	N/A No individual performance standards have been set by Authority.	5	N/A License does not contain individual performance standards.	N/A	N/A	
107	Retail Licence condition 22.2	Electricity Industry Act section 11	A licensee must comply, and require its auditor to comply, with the Authority's standard audit guidelines dealing with the performance audit.	2	Minor, failure to comply with Audit Guidelines	Unlikely	Low	PE's has appointed an Auditor (KPMG). The has been made aware of the need to comply with the Authority's standard audit guidelines when conducting performance audits.	5	N/A	KPMG has been engaged to conduct the performance audit. The performance audit was conducted in accordance with Authority's standard audit guidelines.	5	
109	Retail Licence condition 23.1	Electricity Industry Act section 11	A licensee must report to the Authority, in the manner prescribed, if a licensee is under external administration or there is a significant change in the circumstances upon which the licence was granted which may affect a licensee's ability to meet its obligations.	2	Minor, failure to report external administrator process or significant change	Unlikely	Low	Management is aware of the requirement to inform the Authority of any such changes.	5	Review correspondence file to/from the Authority.	No changes warranting a notice to the Authority have taken place to date.	5	
110	Retail Licence condition 24.1	Electricity Industry Act section 11	A licensee must provide the Authority, in the manner prescribed, any information the Authority requires in connection with its functions under the Electricity Industry Act.	2	Minor, failure to provide the Authority with information	Probable	Low	Management is aware of the requirement to provide the Authority with information requested.	5	Discussions with management and review of the correspondence file.	PE has complied with all instructions received from the Authority. The correspondence file was reviewed. No outstanding requests from the Authority were noted on the file.	5	
111	Retail Licence condition 25.2	Electricity Industry Act section 11	A licensee must publish any information it is directed by the Authority to publish, within the timeframes specified.	2	Minor, failure to comply with publishing requirements of the Authority	Probable	Low	Management is aware of the requirement to publish information as directed by the Authority within the timeframes specified.	5	Discussions with management and review of correspondence file.	PE has responsibilities in place to ensure the publications of information as directed by the Authority. Small user report has been published on the PE website for customers to view. No other requests have been received from the Authority to date.	5	
112	Retail Licence condition 26.1	Electricity Industry Act section 11	Unless otherwise specified, all notices must be in writing.	2	Minor, failure to provide notices in writing	Probable	Low	PE contracts with customers (ESA) states that all notices will be given in writing.	5	Discussions with management. Selected a sample of 7 customer files and check for evidence of notices given in writing.	PE has responsibilities in place to ensure the publications of information as directed by the Authority. PE contracts with customers (ESA) states that all notices will be given in writing. A sample of 7 customer files and review of the correspondence file between PE and the Authority noted that all notices communicated by PE were in writing.	5	
Section 5: Code of Conduct - LICENCE CONDITIONS AND OBLIGATIONS													

Appendix 1 – Performance Audit - Detailed Results

Ref	Licence Conditions Ref	Code of Conduct Clause	Licence Condition Description	Risk Type	Risk Consequence Rating	Likelihood	Inherent Risk Rating	Existing Controls	Audit Priority	Audit Testing	Findings	Compliance Rating	Recommendations / Corrective Actions
113	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketer must ensure that its marketing representatives comply with Part 2 of the Code of Conduct.	2	Moderate, failure to comply with Part 2 of the Code of Conduct	Probable	Medium	Perth Energy handles all marketing, and officers at Perth Energy are aware of the code. No external marketing agents are used. Perth energy has entered into a formal Broking Agreement with Comm Assist to act as a referral agent. The agreement specifically prohibits Comm Assist from acting as a marketing agent. Comm Assist has not been provided with any marketing information relating to PE.	N/A	Discussions with management and review of the Broking Agreement between Comm Assist and PE.	N/A - No marketing Agents are used by PE. A Broking Agreement is in place with Comm Assist. The agreement specifically prohibits Comm Assist from engaging in any form of marketing or sales on behalf of PE. Comm Assist does not have access to PE product information. It was noted that the Broking Agreement between PE and Comm Assist has not formally been endorsed.	N/A	
114	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketer must ensure that standard and non-standard contracts are entered into in the manner and satisfying the conditions specified.	2	Moderate, failure to satisfy the conditions specified	Unlikely	Medium	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
115	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketing representative must ensure that the information specified is provided to the customer before arranging a contract and that the customer is provided with a written copy of the contract on request.	2	Moderate, failure to satisfy the conditions specified	Unlikely	Medium	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
116	Retail Licence condition 6.1	Electricity Industry Act section 82	Where a standard form contract is not entered into as a result of door to door marketing or for a non-standard contract initiated by telephone, a marketing representative must obtain and make a record of the customer's verifiable consent that the specified information has been given.	2	Minor, failure to obtain a customer's verifiable consent	Unlikely	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
117	Retail Licence condition 6.1	Electricity Industry Act section 82	Where a standard form contract is entered into as a result of door to door marketing or for a non-standard contract (other than that initiated by telephone), a marketing representative must obtain the customer's written acknowledgement that the specified information has been given.	2	Minor, failure to obtain the customer's written acknowledgement.	Unlikely	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
118	Retail Licence condition 6.1	Electricity Industry Act section 82	Where the customer has entered into a new contractual relationship with a retailer, a retailer or marketing representative must offer to provide the customer with a copy of the contract and, where this offer is accepted by the customer, provide a copy of the contract at that time or as soon as possible thereafter.	2	Minor, a copy of the contract is not provided to the customer.	Unlikely	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
119	Retail Licence condition 6.1	Electricity Industry Act section 82	Where the customer has entered into a new contractual relationship with a retailer, a retailer or marketing representative must give the information specified to the customer.	2	Minor, failure to give information specified to the customer.	Unlikely	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
120	Retail Licence condition 6.1	Electricity Industry Act section 82	In circumstances where a standard form contract is not entered into as a result of door to door marketing, a retailer or marketing representative must give the specified information no later than with or on the customer's first bill.	2	Minor, specified information is given after the customer's first bill.	Unlikely	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
121	Retail Licence condition 6.1	Electricity Industry Act section 82	In circumstances where a standard form contract is entered into as a result of door to door marketing or a non-standard contract, a retailer or marketing representative must give the specified information and a copy of the contract before the customer has entered into the contract and must obtain a written acknowledgement that the information has been given.	2	Minor, failure in giving the information.	Unlikely	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
122	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketing representative must not, when marketing, engage in conduct that is misleading, deceptive or likely to mislead or deceive or that is unconscionable.	2	Minor, conduct is misleading or deceptive.	Probable	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
123	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketing representative must not exert undue pressure on a customer, nor harass or coerce a customer.	2	Minor, pressure is exerted on a customer.	Unlikely	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
124	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketing representative must ensure that the inclusion of concessions is made clear to customers and any prices that exclude concessions are disclosed.	2	Moderate, failure in disclosure of concessions.	Unlikely	Medium	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
125	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketing representative must ensure that all standard form contracts that are entered into as a result of door to door marketing and all non-standard contracts are in writing.	2	Minor, failure to enter contracts in writing.	Unlikely	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
126	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketer must ensure that a customer is able to contact the marketer on the marketer's telephone number during normal business hours for the purposes of enquiries, verifications and complaints.	2	Minor, customers are not able to contact marketers.	Probable	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
127	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketing representative must provide the information specified to the customer when marketing by means other than face to face and after having identified the purpose of the contact, if the contact is not by electronic means, the marketing representative must ask the customer whether they wish to proceed further.	2	Minor, failure to obtain clearance from customer.	Probable	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
128	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketing representative must, on request, provide the customer with the information specified.	2	Minor, failure to provide information	Probable	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
129	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketing representative who meets with a customer face to face must: <ul style="list-style-type: none">as soon as practicable tell the customer the purpose of the visit;wear a clearly visible and legible identity card showing the information specified; andas soon as practicable provide the information specified in writing to the customer.	2	Minor, customer does not obtain full disclosure of purpose visit	Probable	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents.	N/A	
								Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents.	N/A	
								Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents.	N/A	
								Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents.	N/A	
130	Retail Licence condition 6.1	Electricity Industry Act section 82	If, when marketing to a customer, the customer indicates that they wish to end the contact, the marketing representative must end the contact as soon as practicable and not attempt to contact the customer for the next 30 days unless the customer agrees otherwise.	2	Minor, failure to end the contact in a timely manner.	Probable	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
131	Retail Licence condition 6.1	Electricity Industry Act section 82	Unless requested by the customer, a marketing representative must not make contact with a customer outside the permitted call times, unless the contact is by electronic means or the contact arises outside the customer's premises in circumstances where the customer initiates contact.	2	Minor, failure to make contact with a customer outside the permitted call times.	Probable	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
132	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketing representative must ensure that contact for the purposes of marketing does not continue for more than 15 minutes past the end of the permitted call times without the customer's verifiable consent unless the contact is by electronic means.	2	Minor, failure to continue the contact for more than 15 minutes past the end of permitted call times.	Probable	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
133	Retail Licence condition 6.1	Electricity Industry Act section 82	Except in response to a customer request or query, a marketer must keep the specified records each time it initiates contact with a customer for the purposes of marketing.	2	Minor, failure to keep records when initiating contact with a customer.	Probable	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
134	Retail Licence condition 6.1	Electricity Industry Act section 82	Where the customer requests not to be contacted for the purposes of marketing a marketer must ensure that a customer is not contacted on its behalf in relation to the supply of electricity for a period of two years unless: 1. The customer request contact or, 2.The customer has moved premises; or 3. A marketer has a legal obligation to contact the customer.	2	Minor, failure in contacting a customer within a period of two years.	Probable	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
135	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketer must keep a record of each customer who has requested not to be contacted, that includes the specified information.	2	Moderate, failure in keeping a record	Probable	Medium	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
136	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketer must give a copy of the record to the Electricity Ombudsman or the Authority on request.	2	Moderate, failure to provide information to Authorities	Probable	Medium	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	
137	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketer must provide the customer on request with written confirmation that the customer will not be contacted for the next two years.	2	Minor, failure to provide a confirmation	Probable	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents. Ditto 113	N/A	

Appendix 1 – Performance Audit - Detailed Results

Ref	Licence Conditions Ref	Code of Conduct Clause	Licence Condition Description	Risk Type	Risk Consequence Rating	Likelihood	Inherent Risk Rating	Existing Controls	Audit Priority	Audit Testing	Findings	Compliance Rating	Recommendations / Corrective Actions
138	Retail Licence condition 6.1	Electricity Industry Act section 82	A marketing representative must comply with a notice on or near premises indicating that the customer does not wish to receive unsolicited mail or other marketing information.	2	Minor, non-compliance of marketing representative	Probable	Low	Ditto 113	N/A	Ditto 113	N/A - PE does not use electricity marketing agents.	N/A	
139	Retail Licence condition 6.1	Electricity Industry Act section 82	A retailer must comply with the National Privacy Principles as set out in the Privacy Act 1998 in relation to information collected under Part 2 of the Code of Conduct.	2	Minor, non-compliance of legislation	Unlikely	Low	Staff are aware of the requirements under the National Privacy Principles. PE has developed its own Privacy Policy to ensure compliance with the National Privacy Principles.	5	Discussions with management. Review of the Privacy Policy.	The National Privacy Principles and Privacy Act requirements have been formalised in the PE's Privacy Policy. The policy was written by PE Managing Director. The policy has been communicated to all PE staff. All confidential customer information is filed in customer files and on the PE server under specially labelled folders. It was noted that the PE Privacy Policy is in place, but has not formally been approved and lacks version control.	4	Ditto 18
140	Electricity Industry Act section 82	Code of Conduct clause 3.1(1)	If a retailer agrees to sell electricity to a customer or arrange for the connection of the customer's supply address, the retailer must forward the customer's request for the connection to the relevant distributor.	2	Minor, not connecting the customer	Unlikely	Low	Web Portal is used as mechanisms by which all customer requests are processed and communicated to the distributor (WP). The process is outlined in the PE Sales Procedures.	5	Discussions with management. Review of the Web Portal system application and control environment. Review of the Sales Procedures.	All information received from the customer is entered into the Web Portal. The Web Portal is a direct form of communication between the retailer (PE) and the distributor (WP). It was noted that the PE Sales Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
141	Electricity Industry Act section 82	Code of Conduct clause 3.1(2)	A retailer must forward the customer's request for the connection to the relevant distributor in the timeframe specified unless the customer agrees otherwise.	2	Moderate, not connecting the customer	Unlikely	Medium	All customer requests for a connection are forwarded to the distributor immediately in accordance with the PE Sales Procedures.	4	Discussions with management. Review Sales Procedures.	All requests for connection received from the customer are immediately logged via the use of the Web Portal. The status of the request is noted in the Web Portal and progress tracked by PE representative. It was noted that the PE Sales Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
142	Electricity Industry Act section 82	Code of Conduct clause 4.1	A retailer must issue a bill no more than once a month and at least once every three months unless the circumstances specified exist.	2	Minor, not issuing bills in appropriate manner	Unlikely	Low	PE has a billing team and two billing checklists in place, a customer billing checklist and a monthly completion checklist. The customer billing checklist ensures all steps for customer billing have been adequately completed. This checklist is completed by two different people and filled in the customer billing file. This ensures that customer is not billed more than once. To ensure customer is billed the monthly completion checklist is completed and filled in a separate monthly billing file.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is outlined in the non standard contract and billing procedure. During field work, it was noted checklists are being appropriately completed and filed.	5	
143	Electricity Industry Act section 82	Code of Conduct clause 4.2(2)	A retailer may only place a customer on a shortened billing cycle, without the customer's verifiable consent, in the circumstances specified.	2	Minor, improper use of shortened billing cycle	Unlikely	Low	PE has all its customers on a monthly billing cycle. If customer requests a shortened billing cycle management this request is to be stored in customer file.	5	Discussions with management to assess the controls, and review of supporting documentation.	Discussions held with management and review of customer contracts revealed that PE does not have any customers on shortened billing cycle.	N/A	
144	Electricity Industry Act section 82	Code of Conduct clause 4.2(3)	A retailer must give the customer written notice of a decision to shorten the customer's billing cycle within 10 business days of making the decision.	2	Minor, improper use of shortened billing cycle	Unlikely	Low	PE has all its customers on a monthly billing cycle.	6	Discussions with management to assess the controls, and review of supporting documentation.	Discussions held with management and review of customer contracts revealed that PE does not have any customers on shortened billing cycle.	N/A	
145	Electricity Industry Act section 82	Code of Conduct clause 4.2(4)	A retailer must ensure that a shortened billing cycle is for a period of at least 10 business days.	2	Minor, improper use of shortened billing cycle	Unlikely	Low	PE has all its customers on a monthly billing cycle.	5	Discussions with management to assess the controls, and review of supporting documentation.	Discussions held with management and review of customer contracts revealed that PE does not have any customers on shortened billing cycle.	N/A	
146	Electricity Industry Act section 82	Code of Conduct clause 4.2(5)	A retailer must return a customer, who is subject to a shortened billing cycle and has paid three consecutive bills by the due date, on request, to the billing cycle that previously applied to the customer.	2	Minor, improper use of shortened billing cycle	Unlikely	Low	PE has all its customers on a monthly billing cycle.	5	Discussions with management to assess the controls, and review of supporting documentation.	Discussions held with management and review of customer contracts revealed that PE does not have any customers on shortened billing cycle.	N/A	
147	Electricity Industry Act section 82	Code of Conduct clause 4.2(6)	A retailer must inform a customer, who is subject to a shortened billing cycle, at least once every three months, of the conditions upon which a customer can be returned to its previous billing cycle.	2	Minor, improper use of shortened billing cycle	Unlikely	Low	PE has all its customers on a monthly billing cycle.	5	Discussions with management to assess the controls, and review of supporting documentation.	Discussions held with management and review of customer contracts revealed that PE does not have any customers on shortened billing cycle.	N/A	
148	Electricity Industry Act section 82	Code of Conduct clause 4.3(1)	In respect of any 12 month period, on receipt of a request by a customer, a retailer may provide a customer with estimated bills under a bill smoothing arrangement.	2	Minor, not providing estimate arrangement	Unlikely	Low	PE has all its customers on a monthly billing cycle and does not offer bill smoothing.	5	Discussions with management to assess the controls, and review of supporting documentation.	Discussions held with management and review of customer contracts revealed that PE does not offer bill smoothing.	5	
149	Electricity Industry Act section 82	Code of Conduct clause 4.3(2)	If a retailer provides a customer with estimated bills under a bill smoothing arrangement the retailer must ensure that the conditions specified are met.	2	Minor, not meeting conditions	Unlikely	Low	PE has all its customers on a monthly billing cycle and does not offer bill smoothing.	5	Discussions with management to assess the controls, and review of supporting documentation.	Discussions held with management and review of customer contracts revealed that PE does not offer bill smoothing.	5	
150	Electricity Industry Act section 82	Code of Conduct clause 4.4	A retailer must issue a bill to a customer at the customer's supply address, unless the customer has nominated another address or an electronic address.	2	Minor, not issuing bills in appropriate manner	Unlikely	Low	PE on all its non-standard contracts ask customers to detail address for service.	5	Discussions with management to assess the controls, and review of supporting documentation.	Review of the Non-standard contract revealed buyer to fill out address for communication of notices.	5	
151	Electricity Industry Act section 82	Code of Conduct clause 4.5(1)	A retailer must include minimum prescribed information on the customer's bill, unless the customer agrees otherwise.	2	Minor, not issuing bills in appropriate manner	Unlikely	Low	PE includes minimum required information on customer bills, and has a billing procedure in place.	5	Discussions with management to assess the controls, and review of supporting documentation.	The condition has been outlined in the billing procedure and customer contract. No exceptions were noted upon review of a sample of bills.	5	
152	Electricity Industry Act section 82	Code of Conduct clause 4.5(3)	A retailer must advise the customer of the amount of historical debt and its basis before, with or on the customer's bill, if the retailer wishes to bill the customer for the historical debt.	2	Minor, not properly advising customer of historical debt	Unlikely	Low	PE includes minimum required information on customer bills, and has a billing procedure in place.	5	Discussions with management to assess the controls, and review of supporting documentation.	The condition has been outlined in the billing procedure and customer contract. No exceptions were noted upon review of a sample of bills.	5	
153	Electricity Industry Act section 82	Code of Conduct clause 4.6(1)	A retailer must base the customer's bill on the distributor's or metering agent's reading of the meter, or the customer's reading of the meter in the circumstances specified.	2	Minor, not issuing bills in appropriate manner	Unlikely	Low	PE includes minimum required information on customer bills, and has a billing procedure in place.	5	Discussions with management to assess the controls, and review of supporting documentation.	The condition has been outlined in the billing procedure. No exceptions were noted upon review of a sample of bills.	5	
154	Electricity Industry Act section 82	Code of Conduct clause 4.6(2)	A retailer must give the customer information that explains to that customer how to read a meter correctly (if applicable) in clear, simple and concise language.	2	N/A	N/A	N/A	PE does not do any meter reading. Western Power reads all meters.	N/A	Not applicable	The network access agreement outlines WP will do all metre reading	5	
155	Electricity Industry Act section 82	Code of Conduct clause 4.7	A retailer must use its best endeavours to ensure that metering reading data is obtained as frequently as is required to prepare its bills and, in any event, at least once every twelve months in accordance with clause 4.6(1)(a) of the Code of Conduct.	NR	Minor, metering data airs not obtained	Unlikely	Low	WP is the only metering agent as per Market Rules. Both WP and PE need to comply with the Metering Code	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Meter reading is conducted by Western Power. Data is retrieved by PE via the use of the Web Portal monthly to prepare bills.	5	
156	Electricity Industry Act section 82	Code of Conduct clause 4.8(1)	A retailer must give the customer an estimated bill in the manner specified, if the retailer is unable to reasonably base a bill on a reading of the meter.	2	Minor, not issuing bills in appropriate manner	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined PE do not bill customers based on estimated meter readings. In event of billing using an estimation, PE will inform customer on the bill the intervals estimated.	5	
157	Electricity Industry Act section 82	Code of Conduct clause 4.8(2)	A retailer must specify the stated information in circumstances where the customer's bill is estimated.	2	Minor, not issuing bills in appropriate manner	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined PE do not bill customers based on estimated meter readings. In event of billing using an estimation, PE will inform customer on the bill the intervals estimated.	5	
158	Electricity Industry Act section 82	Code of Conduct clause 4.8(3)	A retailer must tell a customer, on request, the basis and reason for the estimation.	2	Minor, not issuing bills in appropriate manner	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined PE do not bill customers based on estimated meter readings. In event of billing using an estimation, PE will inform customer on the bill the intervals estimated. This event is available to customers at any time.	5	
159	Electricity Industry Act section 82	Code of Conduct clause 4.9	Where the retailer gives a customer an estimated bill and the meter is subsequently read the retailer must include an adjustment on the next bill to take account of the actual meter reading.	2	Minor, not issuing bills in appropriate manner	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined PE do not bill customers based on estimated meter readings. In event of billing using an estimation, PE will inform customer on the bill the intervals estimated. Subsequent to the estimated bill PE will include an adjustment.	5	
160	Electricity Industry Act section 82	Code of Conduct clause 4.10	A retailer must use its best endeavours to replace an estimated bill with a bill based on an actual reading if the customer satisfies the requirements as specified.	NR	Minor, not issuing bills in appropriate manner	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined customers can request to have estimated bills revised to actual meter reading data.	5	
161	Electricity Industry Act section 82	Code of Conduct clause 4.11(1)	A retailer must request the distributor or metering agent to test the meter if a customer requests the meter to be tested and pays any reasonable charge of the retailer for testing the meter.	2	Minor, not requesting a meter test	Unlikely	Low	WP is the only metering agent as per Market Rules and all charges are to be paid to WP. Both WP and PE need to comply with the Metering Code	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Discussions with management and staff revealed PE request pass on customer request to WP regarding meter queries.	5	
162	Electricity Industry Act section 82	Code of Conduct clause 4.11(2)	If the meter is tested and found to be defective, the retailer's reasonable charge for testing the meter (if any) is to be refunded to the customer.	2	Minor, not refunding testing charge	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	All metering charges are handled by Western Power, and Condition has been outlined in the billing procedure. No such instances have occurred to date.	5	
163	Electricity Industry Act section 82	Code of Conduct clause 4.12(1)	A retailer must change the customer to an alternate tariff within the period specified if the customer applies to receive an alternate tariff and demonstrates to the retailer that they satisfy the conditions of eligibility.	2	Moderate, not changing tariff	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined PE change the customer to an alternative requested tariff within 8 business days and will give notice in writing.	5	
164	Electricity Industry Act section 82	Code of Conduct clause 4.13	A retailer must give the customer written notice prior to changing the customer to an alternative tariff if the customer's electricity use has changed and the customer is no longer eligible to continue to receive an existing, more beneficial tariff.	2	Minor, not providing written notice	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined PE will give notice to each of its customers affected by a variation of tariffs as soon as practicable and in any event no later than the customers next billing cycle.	5	

Appendix 1 – Performance Audit - Detailed Results

Ref	Licence Conditions Ref	Code of Conduct Clause	Licence Condition Description	Risk Type	Risk Consequence Rating	Likelihood	Inherent Risk Rating	Existing Controls	Audit Priority	Audit Testing	Findings	Compliance Rating	Recommendations / Corrective Actions
165	Electricity Industry Act section 82	Code of Conduct clause 4.14(1)	A retailer may recover any amounts undercharged to a customer as a result of a change in the customer's electricity use for the period of up to 12 months prior to the date on which the retailer provided notice in the specified manner.	NR	Minor, not recovering undercharged amounts	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined the requirement.	5	
166	Electricity Industry Act section 82	Code of Conduct clause 4.14(2)	A retailer must repay any amounts overcharged to a customer as a result of a change in the customer's electricity use.	2	Minor, not refunding overcharged amounts	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined the requirement.	5	
167	Electricity Industry Act section 82	Code of Conduct clause 4.15(1)	A retailer must use reasonable endeavours to arrange for a final bill if a customer requests the retailer to issue a final bill at the customer's supply address.	NR	Minor, not arranging final bill	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined the requirement.	5	
168	Electricity Industry Act section 82	Code of Conduct clause 4.15(2)	A retailer must repay the customer any amount in credit at the time of account closure.	2	Minor, not repaying credit	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined the requirement.	5	
169	Electricity Industry Act section 82	Code of Conduct clause 4.16	A retailer must review the customer's bill on request by the customer, subject to the customer paying the lesser of the portion of the bill agreed to not be in dispute or an amount equal to the average of the customer's bill over the previous 12 months, a	2	Minor, not reviewing the bill	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined the requirement.	5	
170	Electricity Industry Act section 82	Code of Conduct clause 4.17(1)	A retailer must follow the procedures specified if a review of a bill has been conducted and the retailer is satisfied that the bill is correct or incorrect.	2	Minor, not following procedures	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management and Review procedure and supporting documentation to ensure compliance	Review of the billing procedure outlined the requirement.	5	
Section 6: Electricity Industry Metering Code - LICENCE CONDITIONS AND OBLIGATIONS													
171	Electricity Industry Act section 82	Code of Conduct clause 4.17(2)	A retailer must inform the customer of the outcome of the review of a bill as soon as practicable, but, in any event, within 20 business days from the date of receipt of the request for review.	2	Minor, not informing customer within 20 days	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlined that customers should be informed of the review of a bill in any event, within 20 business days from the date of receipt of the request for review.	5	
172	Electricity Industry Act section 82	Code of Conduct clause 4.18(2)	A retailer must recover an amount undercharged as a result of an act or omission by a retailer or distributor in the manner specified.	2	Minor, not recovering undercharged amounts in manner specified	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	Condition has been outlined in the billing procedure. Review of the billing procedure outlined PE to recover an amount undercharged as a result of an act or omission by PE, including a defective meter, and PE to limit the amount to be no more than the under charged amount.	5	
173	Electricity Industry Act section 82	Code of Conduct clause 4.19(2)	A retailer must use its best endeavours to inform the customer (including a customer who has vacated the supply address) and repay or credit any amount overcharged as a result of an act or omission by a retailer or distributor, in the manner and period specified.	NR	Minor, not repaying credit	Unlikely	Low	PE has a billing procedure which outlines the requirement.	6	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	Condition has been outlined in the billing procedure. Review of the billing procedure outlined PE to use its best endeavours to inform the customer within 10days of PE becoming aware of the omission and ask the customer whether the amount should be credited to the customer account or repaid to the customer.	5	
174	Electricity Industry Act section 82	Code of Conduct clause 4.19(3)	A retailer must pay the amount overcharged in accordance with the customer's instructions within 12 business days of receiving the instructions.	2	Minor, not repaying credit	Unlikely	Low	PE has a billing procedure which outlines the requirement.	7	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	Condition has been outlined in the billing procedure. Review of the billing procedure outlined PE to use its best endeavours to inform the customer within 10days of PE becoming aware of the omission.	5	
175	Electricity Industry Act section 82	Code of Conduct clause 4.19(4)	A retailer must use reasonable endeavours to credit the amount overcharged within 20 business days of the customer making the request, in circumstances where instructions as to payment are not received.	NR	Minor, not repaying credit	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	Condition has been outlined in the billing procedure. Review of the billing procedure outlined PE to pay the customer within 12 business days of receiving the customers instructions.	5	
176	Electricity Industry Act section 82	Code of Conduct clause 5.1	The due date on the bill must be at least 12 business days from the date of the bill, with the date of dispatch deemed to be the date of the bill, unless the retailer specifies a later date.	2	Minor, due date shorter than 12 days	Unlikely	Low	PE ensure compliance through stating the date of issue of the bill and the due date of the bill on each customer invoice. The Standard form contract under clause 6 state due date to be 12 business days from dispatch of bill.	5	Discussions with management to assess the controls, and review of the billing procedure, the standard form contract and supporting documentation.	Condition is covered by Clause 6 of the Standard Form Contract. PE invoices checked supported this condition.	5	
177	Electricity Industry Act section 82	Code of Conduct clause 5.2(1)	A retailer must offer the specified minimum payment methods.	2	Minor, not providing minimum payment methods	Unlikely	Low	PE offers all new and existing customers payment options in standard and non-standard form contracts.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	PE has outlined Direct Debt, Cheque and Credit Card as payment options in invoices send to customers and in customer standard and non-standard contracts. PE does not currently offer BPay, all its contracts are individually negotiated and payment options are agreed to with customers in accordance to 1.10 Code of Conduct. PE will be offering BPay options as well via the introduction of the new billing system.	3	Via the introduction of the new billing system, management to ensure that BPay is enabled as a payment option.
178	Electricity Industry Act section 82	Code of Conduct clause 5.2(2)	A retailer must comply with the Electronic Funds Transfer Code of Conduct in making an electronic payment.	2	Minor, not complying with Code	Unlikely	Low	PE reconciles all EFT payments received to ensure compliance	5	Discussions with management to assess the controls. Review the billing procedure and supporting documentation in relation to Electronic Funds Transfer Code of Conduct.	PE ensures all EFT payments are reconciled to customer invoices and the bank statements. However the EFT code of conduct has not been distributed to its staff.	3	Management to ensure the EFT Code of Conduct is communicated to all billing staff.
179	Electricity Industry Act section 82	Code of Conduct clause 5.3	A retailer must, prior to commencing a direct debit, obtain the customer's verifiable consent and agree to the specified conditions for the direct debit.	2	Minor, not obtaining consent	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	Condition has been outlined in the billing procedure. Review of the billing procedure outlined PE to abide by the code of conduct principles as set out in the guideline on debt collection issued by the Australian Competition and Consumer Commission, of which a hard copy is made available to all staff.	5	
180	Electricity Industry Act section 82	Code of Conduct clause 5.4	A retailer must accept payment in advance from a customer on request, in the circumstances specified.	2	Minor, not accepting payment in advance	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	Condition has been outlined in the billing procedure. Review of the billing procedure outlined PE will accept payment in advance from a customer upon request.	5	
181	Electricity Industry Act section 82	Code of Conduct clause 5.5	A retailer must, at no charge, offer a residential customer a redirection of the customer's bill to a third person, if requested by a customer who is unable to pay by a minimum payment method, due to illness or absence.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
182	Electricity Industry Act section 82	Code of Conduct clause 5.6(1)	A retailer must not charge a residential customer a late payment fee in the circumstances specified.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
183	Electricity Industry Act section 82	Code of Conduct clause 5.6(2)	A retailer must not charge an additional late payment fee in relation to the same bill within five business days from the date of receipt of the previous late payment fee notice.	2	Minor, incorrect charging late payment fees	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlined PE will adhere to the Code of Conduct timeframes.	5	
184	Electricity Industry Act section 82	Code of Conduct clause 5.6(3)	A retailer must not charge a residential customer more than two late payment fees in relation to the same bill.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
185	Electricity Industry Act section 82	Code of Conduct clause 5.7(1)	A retailer must not require a customer who has vacated a supply address to pay for electricity consumed at the customer's supply address in the circumstances specified.	2	Minor, charging customer who has vacated supply address	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlined PE will not impose any charges that a customer is not liable for and all charges are to be checked before billing a customer.	5	
186	Electricity Industry Act section 82	Code of Conduct clause 5.7(2)	A retailer must not require a customer who was evicted or otherwise required to vacate a supply address to pay for electricity consumed at the customer's supply address in the circumstances specified.	2	Minor, charging customer who has vacated supply address	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlined PE will not impose any charges that a customer is not liable for and all charges are to be checked before billing a customer.	5	
187	Electricity Industry Act section 82	Code of Conduct clause 5.7(4)	A retailer must not require a previous customer to pay for electricity consumed at the supply address in the circumstances specified.	2	Minor, charging customer who has vacated supply address	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlined PE will not impose any charges that a customer is not liable for and all charges are to be checked before billing a customer.	5	
188	Electricity Industry Act section 82	Code of Conduct clause 5.8(1)	A retailer must comply with the Conduct Principles set out in the guideline on debt collection issued by the Australian Competition and Consumer Commission.	2	Minor, not complying with Principles	Unlikely	Low	PE has a billing procedure which outlines the requirement. The requirement has also been covered in the standard form contract	5	Discussions with management to assess the controls. Review of the billing procedure and supporting documentation in relation to Conduct Principles issued by the Australian Competition and Consumer Commission.	Condition has been covered in the billing procedure and the Standard Form Contract under clause 46, stating PE will act in accordance with the Conduct Principles set out in the guideline on debt collection issued by the Australian Competition and Consumer Commission concerning section 60 of the Trade Practices Act 1974.	5	
189	Electricity Industry Act section 82	Code of Conduct clause 5.8(2)	A retailer must not commence proceedings for recovery of a debt in the circumstances specified.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
190	Electricity Industry Act section 82	Code of Conduct clause 5.8(3)	A retailer must not recover or attempt to recover a debt relating to a supply address from a person other than the customer with whom the retailer has or had entered into a contract for the supply of electricity to that supply address.	2	Minor, attempting to recover debt from person other than the customer	Unlikely	Low	Strong - PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlined PE will not impose any charges that a customer is not liable for and all charges are to be checked before billing a customer.	5	
191	Electricity Industry Act section 82	Code of Conduct clause 6.1(1)	A retailer must assess whether a residential customer is experiencing payment difficulties or financial hardship, within three business days from when the residential customer informs a retailer that they are experiencing payment problems.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
192	Electricity Industry Act section 82	Code of Conduct clause 6.1(2)	A retailer must give reasonable consideration to the information and advice specified when undertaking an assessment regarding payment difficulties or financial hardship.	NR	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			

Appendix 1 – Performance Audit - Detailed Results

Ref	Licence Conditions Ref	Code of Conduct Clause	Licence Condition Description	Risk Type	Risk Consequence Rating	Likelihood	Inherent Risk Rating	Existing Controls	Audit Priority	Audit Testing	Findings	Compliance Rating	Recommendations / Corrective Actions
193	Electricity Industry Act section 82	Code of Conduct clause 6.1(3)	A retailer must advise a residential customer on request of the details of an assessment.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
194	Electricity Industry Act section 82	Code of Conduct clause 6.2(1)	A retailer may not unreasonably deny a residential customer's request for a temporary suspension of actions in the circumstances specified.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
195	Electricity Industry Act section 82	Code of Conduct clause 6.2(2)	A retailer must allow a temporary suspension of actions for a period of at least 10 days.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
196	Electricity Industry Act section 82	Code of Conduct clause 6.2(3)	A retailer must give reasonable consideration to a request by a relevant consumer representative organisation to allow additional time to assess a residential customer's capacity to pay.	NR	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
197	Electricity Industry Act section 82	Code of Conduct clause 6.3	A retailer must offer the alternative payment arrangements, and advise the residential customers that additional assistance may be available, in circumstances where a residential customer is assessed as experiencing payment difficulties or financial hardship.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
198	Electricity Industry Act section 82	Code of Conduct clause 6.4(1)	A retailer must offer a residential customer who is experiencing payment difficulties or financial hardship at least the specified payment arrangements.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
199	Electricity Industry Act section 82	Code of Conduct clause 6.4(2)	A retailer must take into account and specify the stated information and take the specified actions when offering an instalment plan to a residential customer experiencing payment difficulties or financial hardship.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
200	Electricity Industry Act section 82	Code of Conduct clause 6.6(1)	A retailer must give reasonable consideration to a request by a customer, or a relevant consumer representative organisation, for a reduction of the customer's fees, charges, or debt.	NR	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
201	Electricity Industry Act section 82	Code of Conduct clause 6.6(2)	In giving reasonable consideration under clause 6.6(1), a retailer should refer to the guidelines in its hardship policy referred to in clause 6.10(2)(c) and 6.10(2)(d).	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
202	Electricity Industry Act section 82	Code of Conduct clause 6.7	A retailer must give reasonable consideration to offering a customer an instalment plan or offering to revise an existing instalment plan, in circumstances where it is reasonably demonstrated to the retailer that the customer is unable to meet its previous	NR	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
203	Electricity Industry Act section 82	Code of Conduct clause 6.8	A retailer must advise the customer of the specified assistance information.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
204	Electricity Industry Act section 82	Code of Conduct clause 6.9(1)	A retailer must determine the minimum payment in advance amount for residential customers experiencing payment difficulties or financial hardship in consultation with relevant consumer representative organisations.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
205	Electricity Industry Act section 82	Code of Conduct clause 6.9(2)	A retailer may apply different minimum payment in advance amounts for residential customers experiencing payment difficulties or financial hardship and other customers.	NR	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
206	Electricity Industry Act section 82	Code of Conduct clause 6.10(1)	A retailer must develop a hardship policy to assist customers in meeting their financial obligations and responsibilities to the retailer.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
207	Electricity Industry Act section 82	Code of Conduct clause 6.10(2)	A retailer must ensure that the hardship policy complies with the specified criteria.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
208	Electricity Industry Act section 82	Code of Conduct clause 6.10(3)	A retailer must give a customer, financial counsellor or relevant consumer representative organisation, on request, details of the financial hardship policy, at no charge.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
209	Electricity Industry Act section 82	Code of Conduct clause 6.10(4)	A retailer must keep a record of the specified information related to the hardship policy.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
210	Electricity Industry Act section 82	Code of Conduct clause 6.11	A retailer must consider any reasonable request for alternative payment arrangements from a business customer who is experiencing payment difficulties.	2	Minor, not considering reasonable request	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlined PE consider any reasonable request for alternative payment arrangements from a business customer who is experiencing payment difficulties.	5	
211	Electricity Industry Act section 82	Code of Conduct clause 7.1	A retailer must give the customer a reminder notice, use its best endeavours to contact the customer and give the customer a disconnection warning, in the manner and timeframes specified, prior to arranging for disconnection of a customer's supply address	2	Minor, not providing notices in manner specified	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlined PE will use its best endeavours to accommodate customers having payment difficulties and will only disconnect a customer on a last resort basis.	5	
212	Electricity Industry Act section 82	Code of Conduct clause 7.2	A retailer must not arrange for disconnection of a customer's supply address for failure to pay a bill in the circumstances specified.	2	Minor, not providing notices in manner specified	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlined PE will use its best endeavours to accommodate customers having payment difficulties and will only disconnect a customer on a last resort basis.	5	
213	Electricity Industry Act section 82	Code of Conduct clause 7.3	In relation to dual fuel contracts, a retailer must not arrange for disconnection of the customer's supply address for failure to pay a bill within 15 business days from arranging for disconnection of the customer's gas supply.	2	N/A	N/A	N/A	PE does not offer dual fuel contracts	N/A	Not applicable			
214	Electricity Industry Act section 82	Code of Conduct clause 7.4	A retailer must not arrange for the disconnection of a customer's supply address for denying access to the meter unless the conditions specified are satisfied.	2	Moderate, improper disconnection	Unlikely	Medium	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlined PE will not arrange for the disconnection of a customer's supply address for denying access to the meter unless all prerequisites are fulfilled from the code of conduct.	5	
216	Electricity Industry Act section 82	Code of Conduct clause 7.6	A retailer or a distributor must not arrange for disconnection or disconnect a customer's supply address in the circumstances specified.	1	Minor, improper disconnection	Unlikely	Low	PE has a billing procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlines circumstances under which PE will arrange for a disconnection.	5	
217	Electricity Industry Act section 82	Code of Conduct clause 7.7(1)	A retailer must undertake the actions specified in circumstances where the customer provides the retailer with confirmation that a person residing at the customer's supply address requires life support equipment.	1	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
219	Electricity Industry Act section 82	Code of Conduct clause 8.1(1)	A retailer must arrange for reconnection of the customer's supply address if the customer has remedied its breach, makes a request for reconnection, pays the retailer's reasonable charges (if any) or accepts an offer of an instalment plan for the retailer	2	Moderate, not reconnecting customer	Unlikely	Medium	Strong - PE management ensures compliance	4	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlined PE will arrange for a reconnection of the customer's supply address if the customer makes a request for reconnection, pays the retailer's reasonable charges (if any) or accepts an offer of an instalment plan.	5	
220	Electricity Industry Act section 82	Code of Conduct clause 8.1(2)	A retailer must forward the request for reconnection to the relevant distributor within the timeframe specified.	2	Moderate, not reconnecting customer	Unlikely	Medium	Strong - PE management ensures compliance	4	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	The condition is clearly outlined in the billing procedure. Review of Billing procedures outlined PE will forward the request for reconnection to the relevant distributor within the same business day if request is received before 3PM or no later than the next working day.	5	
224	Electricity Industry Act section 82	Code of Conduct clause 9.3(1)	A retailer must not operate a pre-payment meter at a residential customer's supply address without the verifiable consent of the customer or its nominated representative.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
225	Electricity Industry Act section 82	Code of Conduct clause 9.3(2)	A retailer must establish an account for each pre-payment meter operating at a residential customer's supply address.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
226	Electricity Industry Act section 82	Code of Conduct clause 9.4	A retailer must provide the prescribed information to a pre-payment meter customer in the manner stated at no charge.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
227	Electricity Industry Act section 82	Code of Conduct clause 9.5(1)	A retailer must not operate a pre-payment meter at the supply address of a residential customer if the residential customer, or a person residing at the residential customer's supply address, requires life support equipment.	1	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			

Appendix 1 – Performance Audit - Detailed Results

Ref	Licence Conditions Ref	Code of Conduct Clause	Licence Condition Description	Risk Type	Risk Consequence Rating	Likelihood	Inherent Risk Rating	Existing Controls	Audit Priority	Audit Testing	Findings	Compliance Rating	Recommendations / Corrective Actions
228	Electricity Industry Act section 82	Code of Conduct clause 9.5(2)	If a prepayment meter customer notifies a retailer that a person residing at the supply address depends on life support equipment, the retailer must undertake the actions specified.	1	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
229	Electricity Industry Act section 82	Code of Conduct clause 9.6	A retailer must ensure that recharge facilities are located and capable of being accessed in the manner specified.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
230	Electricity Industry Act section 82	Code of Conduct clause 9.7	A retailer must ensure that the pre-payment meter customer receives a benefit of a concession if the pre-payment meter customer demonstrates to the retailer that the customer is entitled to receive a concession.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
231	Electricity Industry Act section 82	Code of Conduct clause 9.8	A retailer must ensure that a pre-payment meter provides an emergency credit amount to the value of at least ten dollars.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
232	Electricity Industry Act section 82	Code of Conduct clause 9.9(1)	A retailer must ensure that a pre-payment meter customer (including a pre-payment meter customer who has vacated the supply address) can retrieve all remaining credit at the time the customer vacates the supply address, in circumstances where notification	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
233	Electricity Industry Act section 82	Code of Conduct clause 9.9(2)	If a pre-payment meter customer has been overcharged as a result of an act or omission of a retailer or distributor, the retailer must use its best endeavours to inform the pre-payment meter customer accordingly within 10 business days of the retailer	NR	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
234	Electricity Industry Act section 82	Code of Conduct clause 9.9(3)	The retailer must pay the amount in accordance with the pre-payment meter customer's instructions within 12 business days of receiving the instructions.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
235	Electricity Industry Act section 82	Code of Conduct clause 9.9(4)	If a retailer does not receive reimbursement instructions within 20 business days of making the request, the retailer must use reasonable endeavours to credit the amount overcharged to the customer's account.	NR	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
236	Electricity Industry Act section 82	Code of Conduct clause 9.9(6)	If a retailer proposes to recover an amount undercharged as a result of an act or omission by the retailer or distributor, the retailer must comply with the conditions specified.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
237	Electricity Industry Act section 82	Code of Conduct clause 9.10	A retailer must ensure that supply is recommenced through a pre-payment meter after self-disconnection as soon as information is communicated to the pre-payment meter that a payment causing a positive financial balance of the account has been made.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
238	Electricity Industry Act section 82	Code of Conduct clause 10.1(1)	A retailer must give notice of any variations in its tariffs to each of its customers affected by a variation, in the timeframes specified.	2	Minor, not giving notice	Unlikely	Low	PE has a Billing Procedure which outlines the requirement to notify all customers in writing of any tariff increases. Standardised letter is used to notify customers of tariff increases.	5	Discussions with management to assess the controls. Review of the Billing Procedure. Review a sample of customer files to ensure copies of letters advising tariff increases are evident.	The condition is clearly outlined in the billing procedure. All customers affected by the increases in tariffs have been notified as at July 2007 via a letter from PE. It was noted that the Billing Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
239	Electricity Industry Act section 82	Code of Conduct clause 10.1(2)	A retailer must give a customer on request, at no charge, reasonable information on the retailer's tariffs, including alternative tariffs.	2	Minor, not providing tariff information	Unlikely	Low	PE has a billing and an account management procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	This condition has been outlined clearly in the Billing Procedure and also in the Account Management Procedure. Review of the two procedures outlines PE will give a customer on request, at no charge, reasonable information on the retailer's tariffs, including alternative tariffs It was noted that the Billing Procedures is in place, but has not formally been approved and lacks version control.	4	Ditto 18
240	Electricity Industry Act section 82	Code of Conduct clause 10.1(3)	A retailer must give a customer the information requested on tariffs in the manner and within the timeframes specified.	2	Minor, not providing tariff information	Unlikely	low	PE has a billing and an account management procedure which outlines the requirement.	5	Discussions with management to assess the controls, and review of the billing procedure and supporting documentation.	This condition has been outlined clearly in the Billing Procedure and also in the Account Management Procedure. Review of the two procedures outlines PE will give a customer the information requested on tariffs within 8 business days of the date of receipt. It was noted that the Billing Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
241	Electricity Industry Act section 82	Code of Conduct clause 10.2(1)	A retailer must, on request, give a non-contestable customer its billing data.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
242	Electricity Industry Act section 82	Code of Conduct clause 10.2(2)	A retailer must give the requested billing data at no charge in the circumstances specified.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
243	Electricity Industry Act section 82	Code of Conduct clause 10.2(3)	A retailer must give the requested billing data within 10 business days of the receipt of the request or payment of the retailer's reasonable charge for providing the billing data.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
244	Electricity Industry Act section 82	Code of Conduct clause 10.2(4)	A retailer must keep a non-contestable customer's billing data for seven years.	2	N/A	N/A	N/A	PE cannot supply residential customers under Market Rules	N/A	Not applicable			
245	Electricity Industry Act section 82	Code of Conduct clause 10.3	A retailer must give a customer on request, at no charge, the concession information specified.	2	Minor, not providing the concession information	Unlikely	Low	PE does not offer concessions and PE management ensure compliance.	5	Discussions with management to assess controls and review of supporting documentation (policies and procedures)	Review of the Account Management Procedure outlined the requirement. Management confirmed compliance. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
246	Electricity Industry Act section 82	Code of Conduct clause 10.4	A retailer must give a customer on request, at no charge, the general energy efficiency information specified.	2	Minor, not providing specified information	Unlikely	Low	PE management ensures compliance, and PE has an account management procedure which outlines the requirement.	5	Discussions with management to assess compliance and review of supporting documentation (policies and procedures)	Review of the Account management procedure outlined the requirement. Management confirmed compliance. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
247	Electricity Industry Act section 82	Code of Conduct clause 10.5	A retailer must give information to the customer, or refer the customer to the relevant distributor for a response, if asked by a customer for information relating to the distribution of electricity.	2	Minor, not providing specified information	Unlikely	Low	PE management ensures compliance, PE has a account management procedure which outlines the requirement.	5	Discussions with management to assess compliance and review of supporting documentation (policies and procedures)	Review of the Account management procedure outlined the requirement. Discussions held with PE staff and management noted awareness of requirement. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
255	Electricity Industry Act section 82	Code of Conduct clause 10.9	A retailer, distributor and marketer must, to the extent practicable, ensure that any written information that must be given to a customer under the Code of Conduct is expressed in clear, simple, and concise language and is in a format that makes it easy	NR	Minor, not providing specified information	Unlikely	Low	PE management ensures compliance. PE has a Sales procedure and checklist which outlines the requirement.	5	Discussions with management to assess compliance and review of supporting documentation (policies and procedures) and correspondence to customers.	Review of the Sales procedure and checklist outlined written information to customer to be in simple and concise language. Nothing was noted to indicate otherwise during review of correspondence between PE and customer. It was noted that the Sales Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
256	Electricity Industry Act section 82	Code of Conduct clause 10.10(1)	A retailer and distributor must tell a customer on request how the customer can obtain a copy of the Code of Conduct.	2	Minor, not providing specified information	Unlikely	Low	PE management ensures compliance. PE has a account management procedure which outlines the requirement.	5	Discussions with management to assess compliance and review of supporting documentation (policies and procedures)	Review of the account management procedure outlined PE to appoint an account manager for each of its customers. The account manager will be first point of contact between PE and customer, and will provide customer details of obtaining a Code of Conduct. PE has also got a copy of the Code of Conduct on its website. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18

Appendix 1 – Performance Audit - Detailed Results

Ref	Licence Conditions Ref	Code of Conduct Clause	Licence Condition Description	Risk Type	Risk Consequence Rating	Likelihood	Inherent Risk Rating	Existing Controls	Audit Priority	Audit Testing	Findings	Compliance Rating	Recommendations / Corrective Actions
257	Electricity Industry Act section 82	Code of Conduct clause 10.10(2)	A retailer and distributor must make electronic copies of the Code of Conduct available, at no charge, on their web sites.	2	Minor, not providing specified information	Unlikely	Low	PE management ensures compliance. PE has an account management procedure which outlines the requirement.	6	Review of PE website to ensure code of conduct is available.	Review of PE website revealed copy of the Code of conduct.	5	
258	Electricity Industry Act section 82	Code of Conduct clause 10.10(3)	A retailer and distributor must make a copy of the Code of Conduct available for inspection, at no charge, at their offices.	2	Minor, not providing specified information	Unlikely	Low	PE management ensures compliance. PE has an account management procedure which outlines the requirement.	5	Discussions with management to assess compliance and review of supporting documentation.	Review of the account management procedure outlined PE to appoint an account manager for each of its customers. The account manager will be first point of contact between PE and customer, and will provide customer details of obtaining a Code of Conduct. A copy of the Code of Conduct is available for inspection at PE offices. PE also has published a copy of the Code of Conduct on its website . It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
259	Electricity Industry Act section 82	Code of Conduct clause 10.11(1)	A retailer and distributor must make available to the customer on request, at no charge, services that assist the customer in interpreting information provided by the retailer or distributor.	2	Minor, not providing specified services	Unlikely	Low	Nominated staff at PE will help customer	5	Discussions with management to assess the process and review of supporting documentation	Review of non-standard contract and the Customer charter noted requirement was met. PE have staff trained to address customer enquires.	5	
260	Electricity Industry Act section 82	Code of Conduct clause 10.11(2)	A retailer and, where appropriate a distributor, must include the telephone number for their special information services and for independent multi-lingual services, on the documents specified.	2	Minor, not providing specified information	Unlikely	Low	Non noted.	5	Discussions with management to assess the process and review of supporting documentation	The telephone number for their special information services and for independent multi-lingual services is currently not provided to the customer.	2	Management to ensure that contact information for special information and for independent multi-lingual services is specified in the following: - bill and bill related information - reminder notices - disconnection warning - customer service charter.
262	Electricity Industry Act section 82	Code of Conduct clause 10.12(2)	A retailer must, if requested by a customer, advise the customer of the availability of different types of meters or refer the customer to the relevant distributor for a response.	2	Minor, failure in providing information	Unlikely	Low	PE management ensures compliance. PE has an account management procedure which outlines the requirement.	5	Discussions with management to assess the process and review of supporting documentation	Review of the Account management procedure outlined requirement. Discussions with management noted reference of customer to relevant distributor for a response. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
263	Electricity Industry Act section 82	Code of Conduct clause 11.1(1)	A retailer and distributor must produce and publish a Customer Service Charter.	2	Minor, not publishing a Customer Service Charter.	Unlikely	Low	PE management ensures compliance	5	Obtain a Customer Service Charter and assess whether it is published and produced.	PE has published a customer charter (dated June 2007). This Customer Charter is published on PE website. The Customer Charter was amended in sep 2008. Amended version and notice published on the ERA website.	5	
264	Electricity Industry Act section 82	Code of Conduct clause 11.1(2)	A retailer and distributor must address the specified information in their Customer Service Charters.	2	Minor, not providing specified information	Unlikely	Low	PE management ensures compliance by updating the customer charter with specified information.	5	Obtain a Customer Service Charter and check whether the specified information is provided in the document.	Review of the Customer Charter outlined the specified information.	5	
265	Electricity Industry Act section 82	Code of Conduct clause 11.2(1)	A retailer and distributor must give a customer on request, at no charge, a copy of the Customer Service Charter.	2	Minor, not providing specified information	Unlikely	Low	PE management ensures compliance. PE has an account management procedure which outlines the requirement.	5	If requested, check whether the Customer Service Charter has been delivered to a customer in a timely manner.	Review of the Account management procedure outlined requirement. Discussions with management noted no cases where customer has requested for the customer charter. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
266	Electricity Industry Act section 82	Code of Conduct clause 11.2(2)	A retailer and distributor must dispatch a copy of the Customer Service Charter to a customer who requests a copy, within two business days of the request.	2	Minor, not providing specified information	Unlikely	Low	PE management ensures compliance. PE has an account management procedure which outlines the requirement.	5	If requested, check whether the Customer Service Charter has been delivered to a customer in a timely manner.	Review of the Account management procedure outlined requirement. Discussions with management noted no cases where customer has requested for the customer charter. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	4	Ditto 18
267	Electricity Industry Act section 82	Code of Conduct clause 12.1(1)	A retailer and distributor must develop, maintain and implement an internal process for handling complaints and resolving disputes.	2	Minor, no process in place for handling complaints.	Unlikely	Low	PE management ensures compliance. PE has a Customer compliant Policy which outlines the requirement.	5	Discussions with management to assess the process and controls of complaints and disputes resolution process and review of supporting documentation (policies and procedures).	Review of PE Customer complaint Policy outlined process in place which addresses process for handling complaints and resolving disputes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	4	Ditto 18
268	Electricity Industry Act section 82	Code of Conduct clause 12.1(2)	A retailer and distributor must develop, maintain and implement a complaints handling process that meets the specified requirements.	2	Minor, no process in place for handling complaints.	Unlikely	Low	PE management ensures compliance. PE has a Customer compliant Policy which outlines the requirement.	5	Discussions with management to assess the process and controls of complaints and disputes resolution process and review of supporting documentation (policies and procedures).	Review of PE Customer Complaint Policy outlined process in place which addresses process for handling complaints and resolving disputes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	4	Ditto 18
269	Electricity Industry Act section 82	Code of Conduct clause 12.1(3)	A retailer or distributor must at least provide the specified advice to a customer when handling a complaint.	2	Minor, not providing specified advice	Unlikely	Low	PE management ensures compliance. PE has a Customer compliant Policy which outlines the requirement.	5	Discussions with management to assess the process and controls of complaints and disputes resolution process and review of supporting documentation (policies and procedures).	Review of PE Customer complaint Policy outlined process in place which addresses process for handling complaints and resolving disputes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	4	Ditto 18
270	Electricity Industry Act section 82	Code of Conduct clause 12.2	A retailer must comply with any guideline developed by the Authority relating to distinguishing customer queries from customer complaints.	2	Minor, non compliance with guidelines	Unlikely	Low	PE management ensures compliance. PE has a Customer compliant Policy which outlines the requirement.	4	Discussions with management to assess the process and controls of complaints and disputes resolution process and review of supporting documentation (policies and procedures).	Review of PE Customer complaint Policy outlined the difference between customer queries from customer complaints. This information is also outlined on PE customer charter. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	4	Ditto 18
271	Electricity Industry Act section 82	Code of Conduct clause 12.3	A retailer, distributor and marketer must give a customer on request, at no charge, information that will assist the customer in utilising the respective complaints handling processes.	2	Minor, not providing specified information	Unlikely	Low	PE management ensures compliance. PE has a Customer compliant Policy which outlines the requirement.	5	Discussions with management to assess the process and controls of complaints and disputes resolution process and review of supporting documentation (policies and procedures).	Review of PE Customer complaint Policy outlined process in place which addresses process for handling complaints and resolving disputes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	4	Ditto 18
272	Electricity Industry Act section 82	Code of Conduct clause 12.4	A retailer, distributor or marketer who receives a complaint that does not relate to its functions, must refer the complaint to the appropriate entity and inform the customer of the referral.	2	Minor, non referral of complaints.	Unlikely	Low	PE management ensures compliance	5	Discussions with management to assess the process and controls of complaints and disputes resolution process and review of supporting documentation (policies and procedures).	PE has enforced this by ensuring staff handling complaints refer customers to appropriate entity.	5	
273	Electricity Industry Act section 82	Code of Conduct clause 13.1	A retailer, distributor or marketer must keep a record or other information as required to be kept by the Code of Conduct for at least two years from the last date on which the information was recorded, unless expressly provided otherwise.	2	Minor, failure to keep records	Unlikely	Low	PE management ensures compliance. PE has Record Keeping Guideline which outlines the requirement, and a complaints register.	5	Discussions with management to assess the process and controls; and review of supporting documentation (policies and procedures).	Review of the Record Keeping Guidelines outlined the requirement. No exceptions were noted upon review of the customer complaints register. It was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	4	Ditto 18
274	Electricity Industry Act section 82	Code of Conduct clause 13.2	A retailer must keep a record of the total number of customers under the affordability and access indicators specified.	2	Minor, failure to keep records	Unlikely	Low	PE management ensures compliance. PE do not have any customers on the affordability and access indicators specified.	5	Discussions with management.	PE do not have any customers on the affordability and access indicators specified.	N/A	

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275	Electricity Industry Act section 82	Code of Conduct clause 13.3(1)	A retailer must keep a record of the customer complaint indicators specified.	2	Minor, failure to keep records	Unlikely	Low	PE management ensures compliance. PE has a Record Keeping Guideline which outlines the requirement, and a complaints register.	5	Discussions with management to assess the process and controls; and review of supporting documentation (policies and procedures).	Review of the Record Keeping Guidelines outlined the requirement. No exceptions were noted upon review of the customer complaints register. It was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	4	Ditto 18
276	Electricity Industry Act section 82	Code of Conduct clause 13.3(2)	A retailer must keep a copy of each complaint referred to in clause 13.3(1) (including complaints made directly to a marketer).	2	Minor, failure to keep records	Unlikely	Low	PE management ensures compliance. PE has Record Keeping Guideline which outlines the requirement, and a complaints register.	5	Discussions with management to assess the process and controls; and review of supporting documentation (policies and procedures).	Review of the Record Keeping Guidelines outlined the requirement. No exceptions were noted upon review of the customer complaints register. It was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	4	Ditto 18
277	Electricity Industry Act section 82	Code of Conduct clause 13.4	A retailer must keep a record of the total number of payments and data on the average amount of payments made under the compensation indicators specified.	2	Minor, failure to keep records	Unlikely	Low	PE management ensures compliance. PE has Record Keeping Guideline which outlines the requirement.	5	Discussions with management to assess the process and controls; and review of supporting documentation (policies and procedures).	Review of the Record Keeping Guidelines outlined the requirement. No compensation was required to be paid during the audit period covered. No exceptions noted. It was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	4	Ditto 18
278	Electricity Industry Act section 82	Code of Conduct clause 13.5	A retailer must keep a record of the call centre performance indicators specified.	2	Minor, failure to keep records	Unlikely	Low	PE management ensures compliance. PE has Record Keeping Guideline which outlines the requirement.	5	Discussions with management to assess the process and controls; and review of supporting documentation (policies and procedures).	Review of the Record Keeping Guidelines outlined the requirement. Management noted, due to the nature of PE client base, and small client base PE does not have a Call centre. Calls are all addressed by company employees and policy is to pick up phone by 3rd ring. There is a lack of formal monitoring of calls to ensure that they are answered in accordance with the documented policy. PE does not have formal call centre performance indicators developed. Further it was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	2	Management ensure that formal call centre performance indicators are developed and that PE keeps a record of the call centre performance against the indicators specified. Management ensure the new Billing system is able to capture customer dialogue and correspondence. Further it is recommended that management add version control and formally approve all documented policies and procedures. Further management should ensure the policies and procedures are reviewed on regular basis for accuracy and completeness.
279	Electricity Industry Act section 82	Code of Conduct clause 13.6	A retailer must keep a record of the total number of residential and business accounts specified.	2	Minor, failure to keep records	Unlikely	Low	PE management ensures compliance, PE cannot supply residential customers under Market Rules	5	Discussions with management to assess the process and controls in place to ensure compliance.	PE has a list of customers which specifies total number of business accounts.	5	
280	Electricity Industry Act section 82	Code of Conduct clause 13.7	A retailer must keep a record of the number of pre-payment meter customers and complaints information specified.	2	Minor, failure to keep records	N/A	Low	PE do not have any customers on pre-payment	5	Discussions with management and review of supporting documentation	N/A - As PE does not have any pre-payment meter customers	N/A	
291	Electricity Industry Act section 82	Code of Conduct clause 14.1(1)	A retailer must pay the stated compensation to a customer where the customer is not reconnected in the manner specified and an exception to payment does not apply.	2	Minor, not paying the stated compensation	Unlikely	Low	PE management ensures compliance, and PE has an account management procedure which outlines the requirement.	5	Discussions with management to assess the process and controls of complaints and disputes resolution process and review of supporting documentation (policies and procedures).	The Account management procedure outline the requirement. No compensation was required to be paid during the audit period covered. No exceptions noted. It was noted that that Account Management Procedures are in place, but have not formally been approved and a lack of version control.	4	Ditto 18
293	Electricity Industry Act section 82	Code of Conduct clause 14.2	A retailer must pay the stated compensation to a customer where the retailer has failed to follow any of the specified procedures prior to disconnection for a failure to pay and an exception to payment does not apply.	2	Minor, not paying the stated compensation	Unlikely	Low	PE management ensures compliance, and PE has an account management procedure which outlines the requirement.	5	Discussions with management to assess the process and controls of complaints and disputes resolution process and review of supporting documentation (policies and procedures).	The Account Management procedure outline the requirement. No compensation was required to be paid during the audit period covered. No exceptions noted. It was noted that the Account Management Procedures are in place, but have not formally been approved and a lack of version control.	4	Ditto 18
294	Electricity Industry Act section 82	Code of Conduct clause 14.3(1)	A retailer must acknowledge and respond to a written query or complaint by a customer within the timeframes prescribed.	2	Minor, not providing specified information	Unlikely	Low	PE have a customer complaint Policy to ensure compliance. PE management ensure compliance	5	Discussions with management to assess the process and controls of complaints and disputes resolution process and review of supporting documentation (policies and procedures).	The Account Management procedures outline the requirement to acknowledge receipt of the Complaint within five business days and respond in writing within twenty business days. Review of the dispute register indicated one complaint during the audit period. The complaint was acknowledged and responded to within the timeframes prescribed. No exceptions noted. It was noted that the Account Management Procedures are in place, but have not formally been approved and a lack of version control.	4	Ditto 18
295	Electricity Industry Act section 82	Code of Conduct clause 14.3(2)	A retailer must pay the stated compensation to a customer where the retailer has failed to acknowledge or respond to a query or complaint within the timeframes prescribed and an exception to payment does not apply.	2	Minor, not paying the stated compensation	Unlikely	Low	PE have a customer complaint Policy to ensure compliance.	5	Discussions with management to assess the process and controls of complaints and disputes resolution process and review of supporting documentation (policies and procedures).	Review of the Customer Complaint Policy outlined PE's must pay the stated compensation to a customer in the event of failing to acknowledge or respond to a query or complaint within the required manner and timeframes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and a lack of version control.	4	Ditto 18
298	Electricity Industry Act section 82	Code of Conduct clause 14.6(1)	A retailer who is required to make a compensation payment for failing to satisfy a service standard, must do so in the manner specified.	2	Minor, failure to satisfy service standard	Unlikely	Low	PE management ensures compliance. PE also have an Account Management Procedure to ensure compliance.	5	Discussions with management to assess the process and controls of complaints and disputes resolution process and review of supporting documentation (policies and procedures).	The Account Management procedures outline the requirement to make a compensation payment for failing to satisfy a service standard, in the manner specified by the code of conduct. Review of the dispute register indicated one complaint during the audit period. No compensation was required to be paid. No exceptions noted. It was noted that the Account Management Procedures are in place, but has not formally been approved and a lack of version control.	4	Ditto 18
309	Retail Licence condition 5.1	Electricity Industry Metering Code clause 3.5(6)	A network operator may only impose a charge for providing, installing, operating or maintaining a metering installation in accordance with the applicable service level agreement between it and the user.	2	Minor, imposing charges inappropriately	Probable	Low	2008/09 Price List has been agreed to between PE and WP. The price list is approved by the Authority.	5	Discussions with management Review 2008/09 Price List.	Charge is imposed by the network operator (Western Power). Network operator owns the meters, and any charges will be passed on to the customer for providing, installing, operating or maintaining a metering installation The 2008/09 Price List has been formally agreed by PE and WP and approved by the Authority. To date WP has only charged for the electricity consumed and no charges relating to the providing, installing, operating or maintaining a metering installation have been passed onto the consumer.	5	
319	Retail Licence condition 5.1	Electricity Industry Metering Code clause 3.11(3)	A Code participant who becomes aware of an outage or malfunction of a metering installation must advise the network operator as soon as practicable.	2	Minor, not providing specified information in a timely manner	Probable	Low	The customer is provided with a direct WP Faults Hotline. All notifications of faults received by PE are forwarded to WP via the use of the Web Portal.	5	Discussion with management. Ensure the customer has been advised of a contact number to report all faults. Review Web Portal application and ensure reported faults are being communicated to WP.	PE invoices and the Customer charter advise the customer of a fault reporting helpline. WP has control over the distribution / network. Review of Web Portal noted that faults were being communicated to WP.	5	
331	Retail Licence condition 5.1	Electricity Industry Metering Code clause 3.16(5)	A network operator or a user may require the other to negotiate and enter into a written service level agreement in respect of the matters in the metrology procedure dealt with under clause 3.16(4) of the Code.	2	Minor, failure to enter into a written SLA	Unlikely	Low	N/A - Only applicable to the Network Operator or User (Synergy).	N/A	N/A - Only applicable to the Network Operator or User (Synergy).	N/A - Only applicable to the Network Operator or User (Synergy).	N/A	
333	Retail Licence condition 5.1	Electricity Industry Metering Code clause 3.18(1)	If the Electricity Retail Corporation supplies electricity to a contestable customer at a connection point under a non-regulated contract, and in circumstances where immediately before entering into the contract, the electricity retail corporation supplied electricity to the contestable customer under a regulated contract, then the metering installation for the connection point must comply with the prescribed wholesale market metering installation requirements.	2	Minor, failure to comply	Unlikely	Low	N/A - WP is responsible for all the networking processes including metering installation.	N/A	N/A - WP is responsible for all the networking processes including metering installation. WP is bound by its own code of conduct and regulations.	N/A - WP is responsible for all the networking processes including metering installation. WP is bound by its own code of conduct and regulations.	N/A	
342	Retail Licence condition 5.1	Electricity Industry Metering Code clause 3.27	A person must not install a metering installation on a network unless the person is the network operator or a registered metering installation provider for the network operator doing the type of work authorised by its registration.	2	Minor, metering installation installed by inappropriate personnel.	Unlikely	Low	Ditto 333	N/A	Ditto 333	Ditto 333	N/A	

Appendix 1 – Performance Audit - Detailed Results

Ref	Licence Conditions Ref	Code of Conduct Clause	Licence Condition Description	Risk Type	Risk Consequence Rating	Likelihood	Inherent Risk Rating	Existing Controls	Audit Priority	Audit Testing	Findings	Compliance Rating	Recommendations / Corrective Actions
349	Retail Licence condition 5.1	Electricity Industry Metering Code clause 4.4(1)	A network operator and affected Code participants must liaise together to determine the most appropriate way to resolve a discrepancy between energy data held in a metering installation and data held in the metering database.	NR	Minor, not determining most appropriate way in resolving discrepancies.	Probable	Low	Ditto 333	N/A	Ditto 333	Ditto 333	N/A	
350	Retail Licence condition 5.1	Electricity Industry Metering Code clause 4.5(1)	A Code participant must not knowingly permit the registry to be materially inaccurate.	NR	Minor, inaccurate permits	Unlikely	Low	Ditto 333	N/A	Ditto 333	Ditto 333	N/A	
351	Retail Licence condition 5.1	Electricity Industry Metering Code clause 4.5(2)	If a Code participant (other than a network operator) becomes aware of a change to or an inaccuracy in an item of standing data in the registry, then it must notify the network operator and provide details of the change or inaccuracy within the timeframes prescribed.	2	Minor, not providing specified information	Unlikely	Low	Perth Energy has a nominated Account Manager who liaises with Western Power via Web Portal and by directly contacting the WP Account Manager.	5	Discussions with management. PE Account Manager has the contact details of the WP account manager. Web Portal has a function to lodge queries to WP.	Regular discussions are held with WP account manager. Any discrepancies are followed up in a timely manner. Review of Web Portal confirmed the function to submit queries to WP and monitor their progress (timelines of actioning).	5	
363	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.4(2)	A user must, when reasonably requested by a network operator, use reasonable endeavours to assist the network operator to comply with the network operator's obligation.	NR	Minor, not providing assistance	Unlikely	Low	N/A - No such requests have been received to date.	N/A	N/A - No such requests have been received to date.	N/A - No such requests have been received to date.	N/A	
365	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.5(3)	A user must not impose any charge for the provision of the data under this Code unless it is permitted to do so under another enactment.	2	Minor, imposing charges inappropriately	Unlikely	Low	User data is provided to the customer by PE free of charge.	5	Reviewed a sample of 15 bills to ensure that user data is provided to the customer free of charge.	A sample of 15 customer bills noted that no fees are charged by PE for providing user data to the customer.	5	
376	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.16	A user that collects or receives energy data from a metering installation must provide the network operator with the energy data (in accordance with the communication rules) within the timeframes prescribed.	2	Minor, not providing specified information	Unlikely	Low	N/A - only WP collect usage data from meters.	N/A	N/A - only WP collect usage data from meters.	N/A - only WP collect usage data from meters.	N/A	
377	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.17(1)	A user must provide standing data and validated (and where necessary substituted or estimated) energy data to the user's customer, to which that information relates, where the user is required by an enactment or an agreement to do so for billing purposes or for the purpose of providing metering services to the customer.	2	Minor, not providing specified information	Unlikely	Low	N/A - only WP collect usage data from meters.	N/A	N/A - only WP collect usage data from meters.	N/A - only WP collect usage data from meters.	N/A	
378	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.18	A user that collects or receives information regarding a change in the energisation status of a metering point must provide the network operator with the prescribed information, including the stated attributes, within the timeframes prescribed.	2	Minor, not providing specified information	Unlikely	Low	Perth Energy sends the relevant details to Western Power i.e. reason why customer is energising/de-energising via the Web Portal.	5	Discussion with management. Review of Web Portal application to ensure that customers requests for energising / de-energising are able to be communicated to WP.	User requests to energise / de-energise the site received by PE are logged into Web Portal. The Web Portal automatically notifies WP who in turn action the request.	5	
379	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.19(1)	A user must, when requested by the network operator acting in accordance with good electricity industry practice, use reasonable endeavours to collect information from customers, if any, that assists the network operator in meeting its obligations described in the Code and elsewhere.	NR	Minor, not providing assistance to network operator	Unlikely	Low	Perth Energy has access to Western Power Web Portal. All WP requests to collect information from customers are addressed by PE via the use of the Web Portal.	5	Review Web Portal communications between PE and WP to ensure PE has actioned all WP requests for information from customers.	All fair and reasonable requests received by PE from WP are actioned in a timely manner. No outstanding requests were noted via the Web Portal communications .	5	
380	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.19(2)	A user must, to the extent that it is able, collect and maintain a record of the address, site and customer attributes, prescribed in relation to the site of each connection point, with which the user is associated.	NR	Minor, failure to maintain records	Unlikely	Low	Perth Energy utilises the Web Portal to capture and maintain a record of the address, site and customer attributes, prescribed in relation to the site of each connection point, with which the user is associated	5	Review customer details in Web Portal to ensure that it captures and maintains a record of the address, site and customer attributes, prescribed in relation to the site of each connection point, with which the user is associated	A review of Web Portal noted that all site and customer attributes are captured via predetermined fields and drop down menus.	5	
381	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.19(3)	A user must, after becoming aware of any change in a site's prescribed attributes, notify the network operator of the change within the timeframes prescribed.	2	Minor, not providing specified information	Unlikely	Low	Management ensures compliance. Perth Energy liaises with Western Power via the Web Portal and captures all the information in the Customer and Site details section of the customer profile.	5	Review customer details in Web Portal to ensure that it captures and maintains a record of the address, site and customer attributes, prescribed in relation to the site of each connection point, with which the user is associated	Upon receiving such information from the customer the information is logged into Web Portal into the Customer & Site details information section.	5	
382	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.19(4)	A user that becomes aware that there is a sensitive load at a customer's site must immediately notify the network operator's Network Operations Control Centre of the fact.	2	Minor, not providing specified information	Unlikely	Low	Management ensures compliance. Perth Energy liaises with Western Power via the Web Portal and captures all the information in the Customer and Site details section of the customer profile.	5	Review customer details in Web Portal to ensure that it captures and maintains a record of the address, site and customer attributes, prescribed in relation to the site of each connection point, with which the user is associated	Upon receiving such information from the customer the information is logged into Web Portal into the Customer & Site details information section.	5	
384	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.19(6)	A user must use reasonable endeavours to ensure that it does notify the network operator of a change in an attribute that results from the provision of standing data by the network operator to the user.	NR	Minor, not providing specified information	Unlikely	Low	Management ensures compliance. Perth Energy liaises with Western Power via the Web Portal and captures all the information in the Customer and Site details section of the customer profile.	5	Review customer details in Web Portal to ensure that it captures and maintains a record of the address, site and customer attributes, prescribed in relation to the site of each connection point, with which the user is associated	Upon receiving such information from the customer the information is logged into Web Portal into the Customer & Site details information section.	5	
390	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.21(5)	A Code participant must not request a test or audit unless the Code participant is a user and the test or audit relates to a time or times at which the user was the current user or the Code participant is the IMO.	2	Minor, inappropriate requests for tests	Unlikely	Low	Management are aware of this requirement. Perth Energy does not request for tests or audits for non-current users.	N/A	Identify requests for tests and audits made to WP by PE and ensure that they were only made for existing customers.	Only the meter data is requested for non PE customers once permission has been received from the customer. No Tests or audit request have been made to WP by PE.	5	
391	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.21(6)	A Code participant must not make a test or audit request that is inconsistent with any access arrangement or agreement.	2	Minor, inconsistent requests	Unlikely	Low	Management are aware of this requirement. Perth Energy does not request for tests or audits that are inconsistent with the access arrangement or agreement.	N/A	Identify requests for tests and audits made to WP by PE and ensure that they were not inconsistent with the access arrangement or agreement.	Only the meter data is requested for non PE customers once permission has been received from the customer. Any inappropriate requests by PE would not be actioned by WP.	5	
409	Retail Licence condition 5.1	Electricity Industry Metering Code clause 5.27	Upon request, a current user must provide the network operator with customer attribute information that it reasonably believes are missing or incorrect within the timeframes prescribed.	2	Minor, not providing specified information	Unlikely	Low	Management ensures compliance. Perth Energy liaises with Western Power via the Web Portal and captures all the information in the Customer and Site details section of the customer profile.	5	Identify WP requests for customer attribute information and ensure they are addressed by PE in a timely manner. Review Web Portal correspondence between WP and PE.	All compliance is performed via the Web Portal. Any requests received from WP would be actioned via Web Portal in a timely manner. Review of the Web Portal correspondence did not identify any requests for customer attribute information from WP.	5	
416	Retail Licence condition 5.1	Electricity Industry Metering Code clause 6.1(2)	A user must, in relation to a network on which it has an access contract, comply with the rules, procedures, agreements and criteria prescribed.	2	Minor, non compliance.	Unlikely	Low	Management ensures compliance. Perth Energy liaises with Western Power. Western Power is the network operator.	5	Discussions with management.	Nothing was noted to suggest otherwise. A positive working relationship exists between PE and WP.	5	
418	Retail Licence condition 5.1	Electricity Industry Metering Code clause 7.2(1)	Code participants must use reasonable endeavours to ensure that they can send and receive a notice by post, facsimile and electronic communication and must notify the network operator of a telephone number for voice communication in connection with the Code.	NR	Minor, not providing specified information	Unlikely	Low	Perth Energy ensures notices are sent in timely manner to Western Power of any changes. WP has been provided with all contact details.	5	Discussions with management.	WP has been notified of all communication details. Evidence of dialogue between the parties has been noted.	5	
420	Retail Licence condition 5.1	Electricity Industry Metering Code clause 7.2(4)	A Code participant must notify its contact details to a network operator with whom it has entered into an access contract within 3 business days after the network operator's request.	2	Minor, not providing specified information in a timely manner	Unlikely	Low	Management ensures compliance.	5	Discussions with management. Review correspondence between WP and PE to ensure all requests from WP have been actioned in the prescribed timeframe.	WP has been notified of all communication details. No such requests were noted in the Web Portal correspondence between WP and PE.	5	
421	Retail Licence condition 5.1	Electricity Industry Metering Code clause 7.2(5)	A Code participant must notify any affected network operator of any change to the contact details it notified to the network operator at least 3 business days before the change takes effect.	2	Minor, not providing specified information	Unlikely	Low	Management ensures compliance. Only one network operator i.e. Western Power where Perth Energy liaises with an Account Manager.	5	Discussions with management and review of supporting documentation.	WP has been notified of all communication details. No changes to details have occurred warranting a notification to WP.	5	
422	Retail Licence condition 5.1	Electricity Industry Metering Code clause 7.5	A Code participant must not disclose, or permit the disclosure of, confidential information provided to it under or in connection with the Code and may only use or reproduce confidential information for the purpose for which it was disclosed or another purpose contemplated by the Code.	2	Minor, inappropriate disclosure	Unlikely	Low	Management ensures appropriate disclosure of confidential information. Customer information is not disclosed unless customer rings up and verifies their identity.	5	Discussions with management. Review of the Sales Procedures and the Privacy Policy.	Customer confidential information is treated in an appropriate manner in accordance with the Sales Procedures and the Privacy Policy. Nothing has come to our attention to suggest otherwise. It was noted that the Sales Procedures and the Privacy Policy are in place, but have not formally been approved and a lack of version control.	4	Ditto 18
423	Retail Licence condition 5.1	Electricity Industry Metering Code clause 7.6(1)	A Code participant must disclose or permit the disclosure of confidential information that is required to be disclosed by the Code.	2	Minor, inappropriate disclosure	Unlikely	Low	Management ensures appropriate disclosure of confidential information. Customer information is not disclosed unless customer rings up and verifies their identity.	5	Discussions with management. Review of the Sales Procedures and the Privacy Policy.	Customer confidential information is treated in an appropriate manner in accordance with the Sales Procedures and the Privacy Policy. Nothing has come to our attention to suggest otherwise. It was noted that the Sales Procedures and the Privacy Policy are in place, but have not formally been approved and a lack of version control.	4	Ditto 18
424	Retail Licence condition 5.1	Electricity Industry Metering Code clause 8.1(1)	Representatives of disputing parties must meet within 5 business days after a notice given by a disputing party to the other disputing parties and attempt to resolve the dispute under or in connection with the Electricity Industry Metering Code by negotiations in good faith.	NR	Minor, dispute not resolved in timely manner	Unlikely	Low	Dispute resolution process between Western Power and Perth Energy - notify in writing to Western Power, meet within 5 bus days, get senior manager, CEO, Arbitration, Legal. Network access agreement has a dispute resolve procedure.	5	Identify disputes between WP and PE and ensure appropriate dispute resolution procedures were adhered to.	No disputes between WP and PE were noted for the audit period.	N/A	

Appendix 1 – Performance Audit - Detailed Results

Ref	Licence Conditions Ref	Code of Conduct Clause	Licence Condition Description	Risk Type	Risk Consequence Rating	Likelihood	Inherent Risk Rating	Existing Controls	Audit Priority	Audit Testing	Findings	Compliance Rating	Recommendations / Corrective Actions
425	Retail Licence condition 5.1	Electricity Industry Metering Code clause 8.1(2)	If a dispute is not resolved within 10 business days after the dispute is referred to representative negotiations, the disputing parties must refer the dispute to a senior management officer of each disputing party who must meet and attempt to resolve the dispute by negotiations in good faith.	NR	Minor, dispute not resolved in timely manner	Unlikely	Low	Dispute resolution process between Western Power and Perth Energy - notify in writing to Western Power, meet within 5 bus days, get senior manager,CEO,Arbitration,Legal. Network access agreement has a dispute resolve procedure.	5	Identify disputes between WP and PE and ensure appropriate dispute resolution procedures were adhered to.	No disputes between WP and PE were noted for the audit period.	N/A	
426	Retail Licence condition 5.1	Electricity Industry Metering Code clause 8.1(3)	If the dispute is not resolved within 10 business days after the dispute is referred to senior management negotiations, the disputing parties must refer the dispute to the senior executive officer of each disputing party who must meet and attempt to resolve the dispute by negotiations in good faith.	NR	Minor, dispute not resolved in timely manner	Unlikely	Low	Dispute resolution process between Western Power and Perth Energy - notify in writing to Western Power, meet within 5 bus days, get senior manager,CEO,Arbitration,Legal. Network access agreement has a dispute resolve procedure.	5	Identify disputes between WP and PE and ensure appropriate dispute resolution procedures were adhered to.	No disputes between WP and PE were noted for the audit period.	N/A	
427	Retail Licence condition 5.1	Electricity Industry Metering Code clause 8.1(4)	If the dispute is resolved by representative negotiations, senior management negotiations or CEO negotiations, the disputing parties must prepare a written and signed record of the resolution and adhere to the resolution.	2	Minor, dispute not resolved in timely manner	Unlikely	Low	Dispute resolution process between Western Power and Perth Energy - notify in writing to Western Power, meet within 5 bus days, get senior manager,CEO,Arbitration,Legal. Network access agreement has a dispute resolve procedure.	5	Identify disputes between WP and PE and ensure appropriate dispute resolution procedures were adhered to.	No disputes between WP and PE were noted for the audit period.	N/A	
428	Retail Licence condition 5.1	Electricity Industry Metering Code clause 8.3(2)	The disputing parties must at all times conduct themselves in a manner which is directed towards achieving the objective of dispute resolution with as little formality and technicality and with as much expedition as the requirements of Part 8 of the Code and a proper hearing and determination of the dispute, permit.	NR	Minor, dispute not resolved in timely manner	Unlikely	Low	Dispute resolution process between Western Power and Perth Energy - notify in writing to Western Power, meet within 5 bus days, get senior manager,CEO,Arbitration,Legal. Network access agreement has a dispute resolve procedure.	5	Identify disputes between WP and PE and ensure appropriate dispute resolution procedures were adhered to.	No disputes between WP and PE were noted for the audit period.	N/A	

Appendix 2 - Post Audit Implementation Plan

Ref	Licence Condition Description	Findings	Recommendations / Corrective Actions	PE Response
18	A retailer must not disclose a contestable customer's data to any other person without the verifiable consent of the contestable customer, except in the circumstances defined.	The requirement is outlined in the Sales Procedure. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	ACTION: It is recommended that management add version control and formally approve all documented policies and procedures. Further management should ensure the policies and procedures are reviewed on regular basis for accuracy and completeness. RESPONSIBILITY: Geoff Gaston DATE: February 2009	Perth Energy is continuing to develop its policies and procedures as the market develops. PE is in the process on implementing a new billing system that will ensure compliance with many of the Licence obligations. Once the implementation is complete, PE will finalize its full set of policies and procedures and include appropriate version controls and reviews.
19	A retailer must keep a copy of the verifiable consent received from a contestable customer for two years.	Sales Procedure outlines the requirement. Email stored on customer file. A sample of 7 customer files were tested with no exceptions noted. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	Ditto 18	Ditto 18
26	A retailer that submits a customer transfer request to reverse an erroneous transfer must ensure the transfer was made in error and, if it is an incoming retailer, confirm the identity of the previous retailer.	Procedure for processing a request to reverse an erroneous transfer is outlined in the Sales Procedure. Web portal has a specified provisions for erroneous transfers. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	Ditto 18	Ditto 18
28	A retailer must withdraw a customer transfer request if the contestable customer's verifiable consent ceases to apply before the transfer occurs.	No exceptions noted. The requirement is outlined in the sales procedure. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	Ditto 18	Ditto 18
43	In the case of a transfer to reverse an erroneous transfer, a network operator and all affected retailers (and the independent market operator if applicable) must act in good faith to ensure that the rights and obligations of the affected contestable customer are as they would have been had the erroneous transfer not occurred.	The Customer Service Charter and the Complaints Handling Procedures outline the rights of the customer. PE works closely with the WP Account Manager to resolve the issue in a timely manner. It was noted that the Customer Service Charter and Complaints Handling Procedures are in place, but have not formally been approved and lack version control.	Ditto 18	Ditto 18
44	An incoming retailer must retain a copy of a verifiable consent given by a contestable customer in relation to the lodgement of a customer transfer request for two years, except in the case of a customer transfer request to reverse an erroneous transfer.	Customers sign contracts with PE. All contracts are stored in customer files. A sample of signed customer contracts was sighted. The process is outlined in the Sales Procedures. It was noted that the Sales Procedures are in place, but have not formally been approved and lack version control.	Ditto 18	Ditto 18
45	A previous retailer must not bill a contestable customer for charges incurred after the transfer time, except in the case of an erroneous transfer.	Review of Billing procedures outlined that customers should only be billed for the period specified in the contract except in the case of an erroneous transfer. The bills are generated based on consumption metering data retrieved via the Web Portal. It was noted that the Billing Procedures are in place, but have not formally been approved and lack version control.	Ditto 18	Ditto 18
88	A retail licensee must not supply electricity to a small use customer otherwise than under a standard form contract or a non-standard form contract.	All customers enter into a contract before being supplied with electricity. Contracts are placed on customer files are integral part of the Sales Process Procedure Checklist. A review of a sample of 15 customer files noted contracts in place for all customers. It was noted that the Sales Procedures and the Checklist are in place, but have not formally been approved and lack version control.	Ditto 18	Ditto 18
96	A licensee that has, or is an associate of a person that has, access to services under an access agreement must not engage in conduct for the purpose of hindering or prohibiting access.	PE has an Access Agreement in place which meets the requirement. The Access Agreement is valid till 1 June 2009. An Electricity Transfer Access Contract (ETAC) has been developed and agreed to in principle by WP and PE. ETAC will replace the current Access Agreement once it is formally endorsed. Due to the size of the agreement (financial terms), it has not yet been formally endorsed as it requires the approval of the WA Minister for Energy.	ACTION: Ensure that the Electricity Transfer Access Contract (ETAC) is formally endorsed by the WA Minister for Energy. RESPONSIBILITY: Geoff Gaston DATE: End of Jan-09	Ministerial approval is a requirement for Western Power only. This is a result of the value of the deal and the limits placed on the WP Board by the Minister. PE does not require the Minister's approval to execute the document. We are awaiting WP to get approval in order to sign
97	A licensee must ensure that an electricity marketing agent of the licensee complies with the applicable codes.	Marketing Procedures and Guidelines have been developed along with the Customer Contract Guidelines. No marketing is performed by agents. It was noted that the Marketing Procedures and Guidelines are in place, but have not formally been approved and lack version control.	Ditto 18	Ditto 18
98	The licensee must report a breach of the applicable code conditions by an electricity marketing agent to the Authority within the prescribed timeframe.	PE has engaged Comm Assist to act as a referral agent for PE. Based on advice received from the Manager Customer Protection of the Authority on 28 November 2007, Comm Assist does not appear to have been defined as a marketing agent and is not subject to reporting requirements. A Broking Agreement has been agreed to in principle between PE and Comm Assist. The Agreement specifically prohibits Comm Assist acting as a marketing agent. The Broking Agreement has not been formally signed.	ACTION: Ensure that the Comm Assist Broking Agreement is formally signed by Comm Assist and Perth Energy. RESPONSIBILITY: Geoff Gaston DATE: 31 December 08	Agreed - Contract should be signed before year end

139	A retailer must comply with the National Privacy Principles as set out in the Privacy Act 1998 in relation to information collected under Part 2 of the Code of Conduct.	The National Privacy Principles and Privacy Act requirements have been formalised in the PE's Privacy Policy. The policy was written by PE Managing Director. The policy has been communicated to all PE staff. All confidential customer information is filed in customer files and on the PE server under specially labelled folders. It was noted that the PE Privacy Policy is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
140	If a retailer agrees to sell electricity to a customer or arrange for the connection of the customer's supply address, the retailer must forward the customer's request for the connection to the relevant distributor.	All information received from the customer is entered into the Web Portal. The Web Portal is a direct form of communication between the retailer (PE) and the distributor (WP). It was noted that the PE Sales Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
141	A retailer must forward the customer's request for the connection to the relevant distributor in the timeframe specified unless the customer agrees otherwise.	All requests for connection received from the customer are immediately logged via the use of the Web Portal. The status of the request is noted in the Web Portal and progress tracked by PE representative. It was noted that the PE Sales Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
177	A retailer must offer the specified minimum payment methods.	PE has outlined Direct Debt, Cheque and Credit Card as payment options in invoices sent to customers and in customer standard and non-standard contracts. PE does not currently offer BPay, all its contracts are individually negotiated and payment options are agreed to with customers in accordance to 1.10 Code of Conduct. PE will be offering BPay options as well via the introduction of the new billing system.	ACTION: Via the introduction of the new billing system, ensure that BPay is enabled as a payment option. RESPONSIBILITY: Yin Heng DATE: February 2009	Agreed - part of the billing system
178	A retailer must comply with the Electronic Funds Transfer Code of Conduct in making an electronic payment.	PE ensures all EFT payments are reconciled to customer invoices and the bank statements. However the EFT code of conduct has not been distributed to its staff.	ACTION: Ensure the EFT Code of Conduct is communicated to all billing staff. RESPONSIBILITY: Geoff Gaston DATE: January 2009	Agreed - EFT Code will be included in policy and procedures Manual
238	A retailer must give notice of any variations in its tariffs to each of its customers affected by a variation, in the timeframes specified.	The condition is clearly outlined in the billing procedure. All customers affected by the increases in tariffs have been notified as at July 2007 via a letter from PE. It was noted that the Billing Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
239	A retailer must give a customer on request, at no charge, reasonable information on the retailer's tariffs, including alternative tariffs.	This condition has been outlined clearly in the Billing Procedure and also in the Account Management Procedure. Review of the two procedures outlines PE will give a customer on request, at no charge, reasonable information on the retailer's tariffs, including alternative tariffs. It was noted that the Billing Procedures is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
240	A retailer must give a customer the information requested on tariffs in the manner and within the timeframes specified.	This condition has been outlined clearly in the Billing procedure and also in the Account Management Procedure. Review of the two procedures outlines PE will give a customer the information requested on tariffs within 8 business days of the date of receipt. It was noted that the Billing Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
245	A retailer must give a customer on request, at no charge, the concession information specified.	Review of the Account Management Procedure outlined the requirement. Management confirmed compliance. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
246	A retailer must give a customer on request, at no charge, the general energy efficiency information specified.	Review of the Account management procedure outlined the requirement. Management confirmed compliance. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
247	A retailer must give information to the customer, or refer the customer to the relevant distributor for a response, if asked by a customer for information relating to the distribution of electricity.	Review of the Account management procedure outlined the requirement. Discussions held with PE staff and management noted awareness of requirement. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
255	A retailer, distributor and marketer must, to the extent practicable, ensure that any written information that must be given to a customer under the Code of Conduct is expressed in clear, simple, and concise language and is in a format that makes it easy	Review of the Sales procedure and checklist outlined written information to customer to be in simple and concise language. Nothing was noted to indicate otherwise during review of correspondence between PE and customer. It was noted that the Sales Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18

256	A retailer and distributor must tell a customer on request how the customer can obtain a copy of the Code of Conduct.	Review of the account management procedure outlined PE to appoint an account manager for each of its customers. The account manager will be first point of contact between PE and customer, and will provide customer details of obtaining a Code of Conduct. PE has also got a copy of the Code of Conduct on its website. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
258	A retailer and distributor must make a copy of the Code of Conduct available for inspection, at no charge, at their offices.	Review of the account management procedure outlined PE to appoint an account manager for each of its customers. The account manager will be first point of contact between PE and customer, and will provide customer details of obtaining a Code of Conduct. A copy of the Code of Conduct is available for inspection at PE offices. PE also has published a copy of the Code of Conduct on its website. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
260	A retailer and, where appropriate a distributor, must include the telephone number for their special information services and for independent multi-lingual services, on the documents specified.	The telephone number for their special information services and for independent multi-lingual services is currently not provided to the customer.	ACTION: Ensure that that contact information for special information and for independent multi-lingual services is specified in the following: - bill and bill related information - reminder notices - disconnection warning - customer service charter RESPONSIBILITY: Yin Heng DATE: January 2009	Agreed - part of the billing system
262	A retailer must, if requested by a customer, advise the customer of the availability of different types of meters or refer the customer to the relevant distributor for a response.	Review of the Account management procedure outlined requirement. Discussions with management noted reference of customer to relevant distributor for a response. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
265	A retailer and distributor must give a customer on request, at no charge, a copy of the Customer Service Charter.	Review of the Account management procedure outlined requirement. Discussions with management noted no cases where customer has requested for the customer charter. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
266	A retailer and distributor must dispatch a copy of the Customer Service Charter to a customer who requests a copy, within two business days of the request.	Review of the Account management procedure outlined requirement. Discussions with management noted no cases where customer has requested for the customer charter. It was noted that the Account Management Procedure is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
267	A retailer and distributor must develop, maintain and implement an internal process for handling complaints and resolving disputes.	Review of PE Customer complaint Policy outlined process in place which addresses process for handling complaints and resolving disputes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
268	A retailer and distributor must develop, maintain and implement a complaints handling process that meets the specified requirements.	Review of PE Customer Complaint Policy outlined process in place which addresses process for handling complaints and resolving disputes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
269	A retailer or distributor must at least provide the specified advice to a customer when handling a complaint.	Review of PE Customer complaint Policy outlined process in place which addresses process for handling complaints and resolving disputes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
270	A retailer must comply with any guideline developed by the Authority relating to distinguishing customer queries from customer complaints.	Review of PE Customer complaint Policy outlined the difference between customer queries from customer complaints. This information is also outlined on PE customer charter. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
271	A retailer, distributor and marketer must give a customer on request, at no charge, information that will assist the customer in utilising the respective complaints handling processes.	Review of PE Customer complaint Policy outlined process in place which addresses process for handling complaints and resolving disputes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and lacks version control.	Ditto 18	Ditto 18
273	A retailer, distributor or marketer must keep a record or other information as required to be kept by the Code of Conduct for at least two years from the last date on which the information was recorded, unless expressly provided otherwise.	Review of the Record Keeping Guidelines outlined the requirement. No exceptions were noted upon review of the customer complaints register. It was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	Ditto 18	Ditto 18

275	A retailer must keep a record of the customer complaint indicators specified.	Review of the Record Keeping Guidelines outlined the requirement. No exceptions were noted upon review of the customer complaints register. It was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	Ditto 18	Ditto 18
276	A retailer must keep a copy of each complaint referred to in clause 13.3(1) (including complaints made directly to a marketer).	Review of the Record Keeping Guidelines outlined the requirement. No exceptions were noted upon review of the customer complaints register. It was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	Ditto 18	Ditto 18
277	A retailer must keep a record of the total number of payments and data on the average amount of payments made under the compensation indicators specified.	Review of the Record Keeping Guidelines outlined the requirement. No compensation was required to be paid during the audit period covered. No exceptions noted. It was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	Ditto 18	Ditto 18
278	A retailer must keep a record of the call centre performance indicators specified.	Review of the Record Keeping Guidelines outlined the requirement. Management noted, due to the nature of PE client base, and small client base PE does not have a Call centre. Calls are all addressed by company employees and policy is to pick up phone by 3rd ring. There is a lack of formal monitoring of calls to ensure that they are answered in accordance with the documented policy. PE does not have formal call centre performance indicators developed. Further it was noted that the Record Keeping Guidelines are in place, but have not formally been approved and lack version control.	ACTION: Management ensure that formal call centre performance indicators are developed and that PE keeps a record of the call centre performance against the indicators specified. Management ensure the new Billing system is able to capture customer dialogue and correspondence. Further it is recommended that management add version control and formally approve all documented policies and procedures. Further management should ensure the policies and procedures are reviewed on regular basis for accuracy and completeness. RESPONSIBILITY: Geoff Gaston DATE: March 2009	Perth Energy is in the process of developing formal call centre performance indicators and once developed records will be maintained. PE is in the process of implementing a new billing system. Once the implementation is complete, PE will finalize its full set of policies and procedures and include appropriate version controls and reviews.
291	A retailer must pay the stated compensation to a customer where the customer is not reconnected in the manner specified and an exception to payment does not apply.	The Account management procedure outline the requirement. No compensation was required to be paid during the audit period covered. No exceptions noted. It was noted that that Account Management Procedures are in place, but have not formally been approved and a lack of version control.	Ditto 18	Ditto 18
293	A retailer must pay the stated compensation to a customer where the retailer has failed to follow any of the specified procedures prior to disconnection for a failure to pay and an exception to payment does not apply.	The Account Management procedure outline the requirement. No compensation was required to be paid during the audit period covered. No exceptions noted. It was noted that the Account Management Procedures are in place, but have not formally been approved and a lack of version control.	Ditto 18	Ditto 18
294	A retailer must acknowledge and respond to a written query or complaint by a customer within the timeframes prescribed.	The Account Management procedures outline the requirement to acknowledge receipt of the Complaint within five business days and respond in writing within twenty business days. Review of the dispute register indicated one complaint during the audit period. The complaint was acknowledged and responded to within the timeframes prescribed. No exceptions noted. It was noted that the Account Management Procedures are in place, but have not formally been approved and a lack of version control.	Ditto 18	Ditto 18
295	A retailer must pay the stated compensation to a customer where the retailer has failed to acknowledge or respond to a query or complaint within the timeframes prescribed and an exception to payment does not apply.	Review of the Customer Complaint Policy outlined PE's must pay the stated compensation to a customer in the event of failing to acknowledge or respond to a query or complaint within the required manner and timeframes. It was noted that the Customer Complaint Policy is in place, but has not formally been approved and a lack of version control.	Ditto 18	Ditto 18
298	A retailer who is required to make a compensation payment for failing to satisfy a service standard, must do so in the manner specified.	The Account Management procedures outline the requirement to make a compensation payment for failing to satisfy a service standard, in the manner specified by the code of conduct. Review of the dispute register indicated one complaint during the audit period. No compensation was required to be paid. No exceptions noted. It was noted that the Account Management Procedures are in place, but has not formally been approved and a lack of version control.	Ditto 18	Ditto 18
422	A Code participant must not disclose, or permit the disclosure of, confidential information provided to it under or in connection with the Code and may only use or reproduce confidential information for the purpose for which it was disclosed or another purpose contemplated by the Code.	Customer confidential information is treated in an appropriate manner in accordance with the Sales Procedures and the Privacy Policy. Nothing has come to our attention to suggest otherwise. It was noted that the Sales Procedures and the Privacy Policy are in place, but have not formally been approved and a lack of version control.	Ditto 18	Ditto 18
423	A Code participant must disclose or permit the disclosure of confidential information that is required to be disclosed by the Code.	Customer confidential information is treated in an appropriate manner in accordance with the Sales Procedures and the Privacy Policy. Nothing has come to our attention to suggest otherwise. It was noted that the Sales Procedures and the Privacy Policy are in place, but have not formally been approved and a lack of version control.	Ditto 18	Ditto 18

Abbreviations

Perth Energy = PE
Western Power = WP