



20 February 2026

Energy Security Safeguard Review
NSW Department of Climate Change, Energy, the Environment and Water

By email: energysecurity@environment.nsw.gov.au

Dear Energy Security Safeguard team

Energy Security Safeguard Scheme – policy reform consultation paper

Thank you for the opportunity to comment on this consultation paper.

The Energy & Water Ombudsman NSW (EWON) investigates and resolves complaints from customers of electricity and gas providers in NSW, and some water providers. EWON receives and responds to complaints from customers on new energy services. Our comments are informed by our investigations into these complaints, and through our community outreach and stakeholder engagement activities.

We have reviewed the consultation paper and have only responded to those matters that align with issues customers raise, or with respect to EWON's operations as they relate to the consultation.

If you would like to discuss this matter further, please contact Rory Campbell, Manager Policy & Systemic Issues, on (02) 8218 5266.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rosa Krilic'.

Rosa Krilic
Acting Ombudsman
Energy & Water Ombudsman NSW

Policy reform consultation paper

7. Consumer protections and experience

Consultation question 11 – What further actions could the NSW Government take to improve consumer protections and experience within the Energy Savings Scheme (ESS) and Peak Demand Reduction Scheme (PDRS)?

Summary and recommendations

We welcome the NSW Government's commitment to consulting on expanding the jurisdiction of Energy & Water Ombudsman NSW (EWON) to new energy services, such as VPPs and demand response, through Action 25 of its Consumer Energy Strategy (CES). Our role as an ombudsman scheme goes far beyond simply resolving complaints. We are part of the integrity network which helps ensure effectively functioning markets and improve public trust in the energy sector.

Progressing Action 25 is a critical action that the NSW Government take to improve consumer protections and experience within the Energy Savings Scheme (ESS) and Peak Demand Reduction Scheme (PDRS).

We consider that this consultation on Energy Security Safeguard policy reform is also a significant opportunity to further explore possible mechanisms for expanding EWON's jurisdiction to new energy services.

EWON recommends that the NSW Government:

- 1. Progress public consultation to expand the Energy and Water Ombudsman's jurisdiction to new energy services providers, such as virtual power plants and demand response services.**
- 2. Consider how this consultation on the Energy Security Safeguard schemes policy reform can be utilised to expand EWON's jurisdiction to new energy services, by creating an EWON membership requirement for providers of certain scheme activities.**

The following information provides context for these recommendations.

EWON's current jurisdiction for new energy technologies

EWON takes an expansive approach to resolving disputes about new energy technology products and services where the seller is an existing member of EWON. This means where solar or battery products and services (including Virtual Power Plants (VPPs) and residential EV Charging) are provided by an authorised energy retailer, we take appropriate measures to resolve the complaint. However, this approach is limited where:

- the provider of new energy services is not an energy retailer and therefore not an existing member of EWON (such as solar and battery retailers).
- an energy retailer provides new energy services from a separate but related corporate entity (with a different ABN) that is not a member of EWON.

A robust body of case studies highlighting the nature and complexity of complaints about new energy technologies received by EWON was included in our submission to the AER's [Retailer authorisation and exemption review - Issues paper](#).¹

¹ EWON submission to the Australian Energy Regulator's Retailer authorisation and exemption review - Issues paper, 2022, pages 43 – 56.

For EWON to remain fit for purpose in the energy transition, a mechanism must be created to require entities that provide new energy technology products and services (such as solar and battery retailers) to join an ombudsman scheme.

Expanding EWON's jurisdiction to new energy services

We consider that state and commonwealth governments should establish an external dispute resolution jurisdiction for the energy ombudsman that includes CER and new energy services to ensure effective consumer protections in the transitioning energy market, and a level playing field in the CER market. The jurisdiction should include (but not be limited to):

- authorised energy retailers providing CER and new energy services through related corporate entities
- third-party solar and battery retailers
- third-party new energy service providers (such as virtual power plant, electric vehicle charging point operators and battery operators).

The Energy Security Safeguard policy reform could be used to expand access to external dispute resolution (EDR) to new energy services

We note the NSW Government is considering whether existing frameworks such as the New Energy Technology Consumer Code (NETCC) could be adopted into the Energy Security Safeguard schemes to improve the consumer experience and protections. EWON supports exploring this opportunity.

We consider that changes to the Energy Savings Scheme (ESS) and Peak Demand Reduction Scheme (PDRS) might also be utilised in a similar way to expand EWON's jurisdiction to energy services by creating an obligation on certain activity providers (such as residential EV charge point operators and VPP providers).

There is precedent for this kind of reform. For example, in South Australia, from 1 January 2026, third-party activity providers for the Retailer Energy Productivity Scheme (REPS) must maintain membership of the Energy and Water Ombudsman South Australia.

We have provided a summary of other examples where energy efficiency schemes in other states have adopted a membership requirement of the NETCC or an ombudsman scheme in table 1 below.

Expanding EWON's jurisdiction to new energy services would add value to the Energy Security Safeguard schemes – such as reporting non-compliance to the regulator (IPART)

Our role as an ombudsman scheme goes far beyond simply resolving complaints and includes improving public trust in the energy sector. We are part of the integrity network which helps ensure effectively functioning markets.²

One of the ways we currently achieve this is through our power to investigate systemic issues within the energy industry and our role in reporting on those issues to the Australian Energy Regulator. Subject to the changes introduced by the *Energy Legislation Amendment Act 2025*, from 1 July 2026, this role will be expanded to reporting non-compliance to IPART relating to the pricing framework for embedded networks.

Considering IPART's role as the scheme administrator and regulator of the Energy Security Safeguard Schemes, EWON sees potential for a similar relationship to evolve for new energy services.

² Dr Gavin McBurnie and Jane Williams, Energy and Water Ombudsman NSW Independent five-year review, 30 October 2019, p23

Table 1. Examples of extending consumer protections and access to energy ombudsman based on activities from other jurisdictions

| State | Program | NETCC or Energy Ombudsman Scheme participation |
|-------------------|--|--|
| Victoria | Solar Homes Program | <p>Solar Victoria’s Solar Homes Program requires that all retailers be authorised and use only accredited installers to be eligible to participate in the program. For customers to access a rebate or interest free loan under the program, their retailer must be a New Energy Tech Consumer Code (NETCC) member.³</p> <p>In addition, solar and battery retailers who want to participate in the Australian Government’s Small-scale Renewable Energy Scheme market must be Clean Energy Council (CEC) and Solar Accreditation Australia (SAA) compliant, for example:</p> <ul style="list-style-type: none"> • Solar PV modules, batteries and inverters must be on the CEC’s approved product lists • a designer and installer must be SAA accredited. |
| South Australia | Retailer Energy Productivity Scheme (REPS) | <p>The Retailer Energy Productivity Scheme (REPS) helps South Australians save energy and reduce costs. Through the scheme, households can access discounted, energy-efficient products such as air conditioners, water heaters, and LED lamps.</p> <p>From 1 January 2026, third-party REPS activity providers must maintain membership of the Energy and Water Ombudsman South Australia.⁴</p> |
| Western Australia | Residential Battery Scheme | <p>The WA Residential Battery Scheme provides rebates and interest free loans to customers to install eligible VPP enabled batteries. To participate in the scheme:</p> <ul style="list-style-type: none"> • Batteries must be on the CEC approved product list • Retailers must be NETCC members • Battery installers must be accredited by SAA.⁵ |
| Queensland | Supercharged Solar for Renters program | <p>The Supercharged Solar for Renters program provides rebates to landlords to install solar PV systems at rental properties. To meet the eligibility criteria:</p> <ul style="list-style-type: none"> • Solar panels and inverters must be on the CEC approved product list • Solar retailers must be NETCC members • Solar PV designers and installers must be accredited by SAA.⁶ |

³ <https://www.solar.vic.gov.au/consumer-protection>

⁴ Essential Services Commission of South Australia, Retailer Energy Productivity Scheme Code, Version REPS/03.1

⁵ <https://www.plenti.com.au/wa-residential-battery-scheme-accreditation>

⁶ <https://www.qld.gov.au/housing/home-energy-savings/supercharged-solar-for-renters/eligibility>