

**Submission in response to**

**NSW Government Consultation Paper – Electricity  
Supply (General) Regulation 2026**

**May 2026**





## Introduction

The National Electrical and Communications Association (NECA) welcomes the opportunity to comment on the proposed remake of the *Electricity Supply (General) Regulation 2014*.

This submission responds to:

- **Section 3.2** (Expansion of the Energy & Water Ombudsman NSW jurisdiction), and
- **Section 4.2 and Consultation Question 10**, which invites feedback on additional issues not otherwise addressed in the consultation paper.

NECA supports efforts to modernise the regulatory framework and improve consumer outcomes. However, we identify a significant enforcement gap not addressed in the paper, and we also urge caution in relation to proposed expansions of regulatory scope that may introduce unnecessary complexity.

## About NECA

NECA is the peak industry body representing electrical contracting businesses across Australia. NECA advocates on behalf of its members on regulatory, safety and industry development issues and supports a skilled, compliant and professional electrical workforce.

NECA members include a significant proportion of **Accredited Service Providers (ASPs)** operating in New South Wales. These providers are accredited and registered with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) to undertake contestable electricity connection services, ensuring that customers have access to a reliable and properly regulated pool of providers.

NECA also supports the ASP sector through **training, skills development and accreditation pathways**, ensuring practitioners meet the technical, safety and compliance requirements necessary to carry out connection services safely and in accordance with regulatory and network standards.

## Enforcement Gap in the Current Framework

NECA considers that a significant issue not addressed in the consultation paper is the absence of effective, practical enforcement mechanisms for key offences under the *Electricity Supply Act 1995*.

Schedule 4 of the current Regulation does not prescribe penalty notice offences for a number of important provisions of the Act, including sections 65, 65A, 68, 69, 70 and 71. While these offences exist, enforcement is effectively limited to court-based prosecution.

In practice, court proceedings are costly, time-intensive and rarely pursued for routine or lower-level breaches. As a result, these provisions are largely unenforced, weakening deterrence and undermining the integrity of the regulatory framework. This is inconsistent with the broader direction of the

proposed Regulation, which seeks to strengthen enforcement through expanded use of penalty notice offences in other areas.

## Impact on Accredited Service Providers (ASPs)

The absence of effective enforcement has direct implications for the ASP framework.

ASPs are accredited to ensure that connection and related electrical work is undertaken safely and in accordance with technical and regulatory requirements. However, where enforcement mechanisms are weak, **non-accredited or non-compliant parties may undertake this work unlawfully without meaningful consequence.**

This undermines the ASP system in several ways. It erodes confidence in the integrity of the accreditation framework, introduces safety risks, and creates an uneven playing field where compliant ASPs—who invest in accreditation, training and compliance—are placed at a commercial disadvantage.

## Absence of Practical Enforcement Pathways

There is currently no effective alternative enforcement pathway available for these offences.

While DNSPs may technically initiate prosecutions, this is rarely undertaken due to the cost and complexity involved. SafeWork NSW typically does not have sufficient jurisdiction in cases involving residential premises or unauthorised connection works outside of a workplace safety context. The NSW Building Commission similarly does not have jurisdiction to take disciplinary or enforcement action in relation to these matters.

As a result, unlawful conduct can occur with limited practical risk of enforcement despite being captured as offences under the Act.

## Operation of Penalty Notices under the Act

The *Electricity Supply Act 1995* already provides a mechanism for penalty notices under **section 187**, allowing offences to be dealt with by way of penalty notice where prescribed by regulation.

The issue is therefore not a lack of legislative power but that the current Regulation does not prescribe the relevant offences. Expanding Schedule 4 would activate this existing mechanism and provide a **practical, efficient and proportionate enforcement tool.**

Any administrative considerations associated with authorised officers should not prevent reform. In the short term, these arrangements could be coordinated by DCCEEW in cooperation with relevant agencies already exercising compliance functions.

Over the longer term, NECA considers that a more coordinated enforcement framework could be developed through the **NSW Electrical and Gas Safety Review**, including clarification of agency roles and responsibilities.

## Relevant Offences

NECA considers that penalty notice provisions should be extended to include the following offences under the *Electricity Supply Act 1995*:

- **Section 65 – Interference with electricity works**
- **Section 65A – Entering, climbing or being on electricity works**
- **Section 68 – Unauthorised connections**
- **Section 69 – Unauthorised increase in capacity of connections**
- **Section 70 – Unauthorised alterations and additions to installations**
- **Section 71 – Obstruction of authorised officers**

These provisions are central to ensuring safety, compliance and integrity in electrical connection work.

## Comments on Expansion of EWON Jurisdiction

NECA acknowledges the intent of the proposed amendments to expand the jurisdiction of the Energy & Water Ombudsman NSW (EWON) to include disputes relating to emerging energy services such as rooftop solar, batteries and other customer energy resources (CER).

While improved access to dispute resolution is important, NECA urges caution to avoid **introducing unnecessary regulatory complexity or duplication**.

The CER regulatory landscape is rapidly evolving, with increasing national coordination and the likely development of **expanded federal regulatory oversight mechanisms**. In this context, expanding EWON's jurisdiction at the state level risks creating overlapping or fragmented arrangements, particularly where CER services intersect with consumer protection, technical standards, and broader energy market regulation.

There is a risk that expanded jurisdiction may:

- create overlapping responsibilities between state-based and emerging national bodies;
- increase administrative burden for service providers already subject to multiple regulatory frameworks; and
- lead to consumer confusion where jurisdictional boundaries are unclear.

NECA considers that some dispute types—particularly those relating to **technical installation standards or electrical work**—may be more appropriately addressed through existing electrical safety and compliance frameworks. Other matters concerning product performance or market conduct may ultimately sit more appropriately within national regulatory arrangements as these evolve.

Accordingly, NECA supports a **measured and staged approach** to any expansion of EWON's jurisdiction. Any changes should be carefully defined, avoid duplication of existing functions, and remain adaptable to future federal CER regulatory developments.

## 9. Recommended Reform

NECA recommends that the remade Regulation:

- Amend Schedule 4 to prescribe penalty notice offences for sections 65, 65A, 68, 69, 70 and 71 of the *Electricity Supply Act 1995*; and
- Adopt a cautious and staged approach to expanding dispute resolution frameworks, ensuring alignment with emerging national CER regulatory arrangements.

## 10. Conclusion

In response to Consultation Question 10, NECA submits that the absence of penalty notice provisions for key offences under the *Electricity Supply Act 1995* represents a significant and unaddressed issue in the enforcement framework of the combined legislation.

Addressing this gap would materially improve enforcement outcomes, strengthen the integrity of the ASP accreditation system, and support a level playing field for compliant providers.

NECA also emphasises the importance of avoiding unnecessary regulatory duplication in the expansion of dispute resolution frameworks and ensuring alignment with future national reforms in the CER space.

NECA would welcome further engagement with the Department on both matters.

Addressing this gap would improve the practical enforceability of the framework, support accredited providers, and ensure that non-compliant conduct can be dealt with in a timely and effective manner.

NECA would welcome further engagement with the Department on this issue.

Yours sincerely



Neil Roberts

Director – Policy, Technical, and Safety

**NATIONAL OFFICE**

122 Hume Hwy,  
Chullora NSW 2190  
W [www.neca.asn.au](http://www.neca.asn.au)

T +61 2 9439 8523  
E [neil.robetr@neca.asn.au](mailto:neil.robetr@neca.asn.au)

To arrange a meeting or discuss this proposal further, please contact:

Neil Roberts

Director – Policy, Technical & Safety

**T** 1300 361 099    **E** [memberservices@neca.asn.au](mailto:memberservices@neca.asn.au)    **W** [www.neca.asn.au](http://www.neca.asn.au)