



## Performance Plan 2023-24



**The Performance Plan sets out and explains the Commission's major regulatory projects, advisory projects, inquiry functions and other ongoing statutory functions, with the associated budget setting out the funding requirements to deliver that work in 2023-24.**

The Commission is an independent statutory authority with:

- ▶ regulatory functions across a range of essential services, including in the [water and sewerage](#), [electricity](#), [gas](#), [rail](#), and [maritime](#) industries
- ▶ a regulatory administrative function for the [Retailer Energy Productivity Scheme](#)
- ▶ [advisory](#) functions, including the provision of regulatory and economic advice to government and [advice to Local Government](#), and
- ▶ an [inquiry](#) function on matters within our regulatory scope or any other matter referred by the Treasurer.

Each of those functions has a dedicated page on the Commission's [website](#).

Our primary **objective** under the *Essential Services Commission Act 2002* is the **protection of the long-term interests of South Australian consumers with respect to the price, quality and reliability of essential services**.

Our **purpose** is to add long-term value to the South Australian community and meeting our objectives through independent, ethical and expert regulatory decisions, advice and inquiry reports.

Our objective and purpose play a critical role in ensuring that South Australians are able to access reliable essential services at the lowest sustainable price.

Our regulatory framework must be responsive to our operating context and environment. Taking into account the factors identified in our Strategy, we work within a business model which reflects our key functions of regulatory design, market intelligence and analysis and regulatory action. That is all underpinned by robust and genuine stakeholder engagement and ongoing evaluation of our performance.

During 2023-24, we will continue to focus on five strategic areas, with an emphasis on analysis, evaluation and collaboration, that will consolidate and strengthen our economic regulatory, advisory and inquiry functions, contributing to the achievement of our objective:

- ▶ Building stakeholder engagement and providing for consumer inputs and challenge.
- ▶ Design of regulation.
- ▶ Analytical capability.
- ▶ Regulatory performance.
- ▶ Evaluation capability.

Our people, culture and values are central to our success in meeting our objective, purpose and strategy. Our values are:

- ▶ We will be responsive and accountable.
- ▶ We will challenge and be open to innovation.
- ▶ We will build inclusive relationships.

## Performance Plan 2023-24

This Performance Plan 2023-24 (**Plan**) has been prepared pursuant to section 23 of the *Essential Services Commission Act 2002*. Through completion of the programs and projects set out in the Plan, supported by its corporate work program, the Commission will meet its statutory requirements in relation to regulatory decisions, advice and inquiries.

In delivering the Plan, we will continue to enhance and embed our monitoring, analysis, engagement, compliance and enforcement capacities.

## Further information

Further information about the Commission's regulatory and advisory functions, and how the Commission engages and consults with stakeholders, can be found within the Commission's Strategy and its Charter of Consultation and Regulatory Practice.

A copy of the [Strategy](#) and [Charter](#) can be found at the Commission's website.

## Performance Plan 2023-24 – work program

No.	Industry	Project/Program title	Requirement/outcome	Timing
Making of price determinations, pursuant to section 35 of the <i>Water Industry Act 2012</i> and <i>Essential Services Commission Act 2002</i> , to allow for regulating of prices, conditions relating to prices, and price-fixing factors for water retail services.				
1	Water	SA Water Regulatory Determination 2024	<p>Continue to work towards making a regulatory determination to apply to SA Water for the period 1 July 2024 to 30 June 2028 including:</p> <ul style="list-style-type: none"> <li>▶ a price determination that sets four-year revenue caps for water and sewerage retail services</li> <li>▶ specific pricing principles for excluded retail services, and</li> <li>▶ establishment of service standards and other customer service obligations that SA Water must meet during the four-year regulatory period.</li> </ul> <p>The regulatory determination will be released in 2024.</p>	2020-21 - 2023-24
Making of industry codes and rules, pursuant to part 4 of the <i>Essential Services Commission Act 2002</i> , to regulate the conduct or operations of a regulated industry or regulated entity, including reviewing existing codes.				
2	Water	Water Retail Code – Major Retailers	<p>The Water Retail Code – Major Retailers (<b>Code</b>) is the principal consumer protection document for SA Water. It sets out the behavioural standards and minimum requirements that SA Water must comply with in the sale and supply of water and sewerage retail services.</p> <p>The Commission is reviewing the Code as part of the SA Water Regulatory Determination 2024.</p>	2021-22 - 2023-24

No.	Industry	Project/Program title	Requirement/outcome	Timing
Arrangements for access to the Tarcoola-Darwin railway are provided under the AustralAsia Railway (Third Party Access) Code (the Code), which is a Schedule to the <i>AustralAsia Railway (Third Party Access) Act 1999 (SA &amp; NT)</i>				
3	Rail	Review of revenues for the Tarcoola to Darwin railway	<p>The Commission is the regulator of the third-party access regime that applies to below-rail services on the Tarcoola to Darwin rail line, established under the AustralAsia Railway ('Third Party Access') Code (<b>Code</b>). Under the Code, the Commission must, for five-year periods, review below-rail freight revenues where no sustainable competitive prices exist. It must determine if those relevant revenues are excessive, having regard to the factors outlined in the Code.</p> <p>The Commission will commence its review in 2023-24, in respect of the 2018-19 to 2022-23 period.</p>	2023-24 - 2024-25
Review of South Australian ports access regime and price determination under the <i>Maritime Services (Access) Act 2000</i>				
4	Maritime	Ports Pricing and Access Review – Stage 2	<p>The Commission is undertaking a review of the South Australian ports access and pricing regime as required by the Maritime Services (Access) Act 2000 (<b>MS Act</b>).</p> <p>Stage one of the review was completed in September 2022. Stage two of the review involves conducting a general assessment under section 9 of the MS Act, with a view to determining whether or not regulation (or further regulation) is required.</p>	2023-24
Administer the licensing regime (including exemptions) that applies to water, electricity and gas entities, as established under the <i>Water Industry Act 2012, Electricity Act 1996 and Gas Act 1997</i>				
5	Water, Electricity and Gas	Licence regime administration	Issue, vary and transfer licences and exemptions.	Ongoing
Administer the Retailer Energy Productivity Scheme, as established under the <i>Electricity (General) Regulations 2012 and Gas Regulations 2012</i>				
6	Electricity and Gas	Retailer Energy Productivity Scheme administration	<p>Administer the scheme to facilitate retailers' compliance with:</p> <ul style="list-style-type: none"> <li>▶ the Minister of Energy and Mining's Specifications for the scheme, and</li> <li>▶ with the Commission's Retailer Energy Productivity Scheme Code.</li> </ul>	Ongoing

No.	Industry	Project/Program title	Requirement/outcome	Timing
Administer the monitoring and reporting framework, that applies to water, electricity and gas entities, as established under the <i>Water Industry Act 2012</i> , <i>Electricity Act 1996</i> and <i>Gas Act 1997</i> to assist consumers in understanding the nature and levels of service which have been provided to them, and facilitate regulated businesses' compliance with their reporting obligations.				
7	Water, Electricity and Gas	Regulatory Evaluation	Release regulatory performance outcomes for: <ul style="list-style-type: none"> <li>▶ the Water industry, focussed on customer service and operational performance (including against applicable service standards)</li> <li>▶ the Energy industry, focussed on network service, reliability performance outcomes and consumer protection measures, and</li> <li>▶ the retailer energy productivity scheme, focussed on the performance of obliged retailers under the scheme.</li> </ul>	Ongoing
8	Electricity and Gas	Ministerial energy pricing reports	Provide to the Minister for Energy and Mining reports on energy retail price offerings available to South Australian small customers (residential and small business) for the previous financial year.	Ongoing
Ongoing administration of the water industry third party access regime, under the <i>Water Industry (Third Party Access Amendment) Act 2015</i> , which provides a framework for the negotiation of access to certain water and sewerage infrastructure services, with the potential for arbitration should negotiations fail.				
9	Water	Review of the water industry third party access regime	Provide to the Minister for Climate, Environment and Water by 30 June 2024 advice on the effectiveness of the access regime (as established under the Act) and whether or not it should continue in operation for a further five-year period.	2022-23 - 2023-24
Conciliate and arbitrate individual infrastructure access disputes, under the relevant industry Acts.				
10	Maritime, Rail and Water	Conciliation and arbitration	Conciliate access disputes and refer disputes to arbitration for SA Rail, Tarcoola-Darwin Rail, proclaimed Ports and Water industries.	As required
Administer the monitoring and enforcement of compliance with, and promotion of improvement in, standards and conditions of service and supply under relevant industry regulation Acts, as established under the <i>Essential Services Commission Act 2002</i> ,				
11	All	Regulatory Monitoring	Facilitate regulated entities' awareness and understanding of regulatory obligations and the potential consequences arising from non-compliance.  Monitor compliance through regular reporting and review arrangements (including auditing of business operations).  Undertake appropriate enforcement action in cases where non-compliance is detected.	Ongoing

No.	Industry	Project/Program title	Requirement/outcome	Timing
Undertake the Local Government Advice scheme under section 122 of the <i>Local Government Act 1999</i>				
12	Local Government	Local Government Advice	Complete advice for each council to which the scheme applies for the year and, thereafter, publish that advice.	July 23 – Feb 24
Conduct Inquiries under part 7 of the <i>Essential Services Act</i> .				
13	All	Part 7 Inquiries	Conduct public inquiries initiated by: <ul style="list-style-type: none"> <li>▶ the Commission (into any matters within its regulatory scope)</li> <li>▶ by the Treasurer (into any matter), or</li> <li>▶ by an industry Minister (into any matter concerning a regulated industry).</li> </ul>	As required
Provide advice to SA Government under section 5(f) of the <i>Essential Services Act</i> .				
14	All	Section 5(f) advice	Provide independent advice on economic and regulatory matters.	As required
The Commission must publish a Charter of Consultation and Regulatory Practice under section 9 of the <i>Essential Services Commission Act 2002</i> , which includes guidelines for consultation with stakeholders.				
15	All	Stakeholder consultation	Undertake stakeholder consultation in line with the Commission's Charter of Consultation and Regulatory Practice.	Ongoing
Corporate work program				
16	Corporate	Regulatory Engagement System	Implement a system to transform Commission processes, providing a single view of each regulated entity and enhancing engagement and interactions with stakeholders in support of the Commission's risk-based approach to regulation.	July 23 – Jun 24
17	Corporate	Corporate statutory work program	Complete all corporate work within required timeframes, including but not limited to: <ul style="list-style-type: none"> <li>▶ Strategic Planning, Monitoring and Reporting: <ul style="list-style-type: none"> <li>- Annual Reports 2022-23 (including Third Party Water, Rail and Ports) and financial statements</li> <li>- Strategy, and</li> <li>- Performance Plan and Budget 2024-25</li> </ul> </li> <li>▶ Legal and corporate governance (including internal legislative compliance) advice</li> <li>▶ Engagement, culture and organisational performance</li> <li>▶ Executive and secretariat - Commission, Leadership Team and Consumer Advisory Committee</li> </ul>	Ongoing

No.	Industry	Project/Program title	Requirement/outcome	Timing
			<ul style="list-style-type: none"> <li>▶ Workforce, including work, health and safety, payroll, learning and development, performance management, workforce planning, diversity and inclusion, white ribbon accreditation and other special programs</li> <li>▶ Annual and quarterly reporting to SA Government</li> <li>▶ Management of budget, procurement, finance, risk, assets and facilities</li> <li>▶ Information technology, information management, data analytics, software and hardware management</li> <li>▶ Operational, administrative and project support, communication and document publication, event management, media, and internal and external customer service</li> <li>▶ Reconciliation Action Plan (RAP) development and implementation</li> <li>▶ Corporate policy, procedures, and work practices reviews, and</li> <li>▶ FOI applications and determinations.</li> </ul>	

The Essential Services Commission is an independent statutory authority with functions in a range of essential services including water, sewerage, electricity, gas, rail and maritime services, and also has a general advisory function on economic matters. For more information, visit [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au).

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