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By electronic submission **EPWA-AES@deed.wa.gov.au**

Submission: Alternative Electricity Services Code of Practice 2026

We welcome the opportunity to make a submission and are happy to provide any clarifications and additional information as required.

Executive Summary

The proposed *Alternative Electricity Services Code of Practice 2026* provides a useful starting point for regulating On-site Power Supply (OPS) services in Western Australia. The draft includes provisions covering billing, complaints handling, hardship arrangements, disclosure obligations, and meter testing. However, the Code does not adequately address the broader long-term risks associated with third-party ownership and operation of solar, battery, and energy systems installed on private residential properties.

The current draft largely treats OPS arrangements as standard electricity retail services, when in practice they are long-term infrastructure and financial arrangements that may directly affect property value, insurance, mortgages, maintenance responsibilities, and household energy reliability.

The following areas require further consideration and stronger consumer protections before the Code is finalised.

Key Concerns and Recommendations

1. OPS Provider Failure or Business Closure

The draft Code does not adequately address what happens if an OPS provider becomes insolvent, ceases trading, or exits the market. There is currently no framework for continuity of service, transfer of ownership, ongoing maintenance, or customer access to system controls and data.

Recommendation:
Introduce mandatory contingency and transfer arrangements, including homeowner step-in rights and clear ownership transfer provisions if an OPS provider fails.

2. Lack of Performance Guarantees

The Code contains no minimum standards for system reliability, uptime, response times, or restoration following outages. Customers could therefore experience extended interruptions or reduced system performance without compensation or recourse.

Recommendation:
Introduce minimum service levels, repair response times, availability/reliability targets, and compensation provisions for prolonged outages or poor performance.

3. Maintenance and Repair Responsibilities

The draft Code does not clearly define responsibility boundaries between the homeowner and the OPS provider, particularly where electrical systems, switchboards, EV chargers, roof works, or home renovations interface with OPS infrastructure.

Recommendation:
Require clear asset ownership diagrams, maintenance responsibilities, and access protocols to avoid disputes and delays.

4. Insurance and Liability Risks

The Code contains insufficient guidance regarding insurance responsibilities, fault liability, equipment damage, fire risk, or replacement obligations. This uncertainty may create issues for homeowners, insurers, and mortgage providers.

Recommendation:
Require OPS providers to maintain minimum insurance coverage and clearly define liability, equipment and infrastructure repair, and replacement responsibilities.

5. Payment Defaults and Property Impacts

The draft Code includes disconnection provisions for unpaid bills but does not address broader impacts on property mortgages, refinancing, property sales, or security interests attached to OPS equipment.

Recommendation:
Introduce protections limiting unreasonable debt recovery practices and require disclosure of any property-related financial implications.

6. End-of-Term and Make-Good Obligations

The Code does not adequately address what happens when an agreement ends, including removal of equipment, roof repairs, or customer rights to acquire the installed assets.

Recommendation:
Require clear make-good obligations, fair valuation methods, and transparent purchase or removal arrangements.

7. Data Ownership and Access

The draft Code only addresses access to billing data and does not clarify ownership or access rights relating to solar generation, battery performance, export data, or operational analytics.

Recommendation:
Ensure homeowners retain access to their operational energy data and require transparency regarding data sharing, storage, and commercial use.

8. Solar for Strata and Rentals

The draft code does not address the challenges of solar for strata or for renters. A third of Australian households find it difficult to pay their energy bills[1]. Renters – across all income groups – are more likely to face energy hardship than any other cohort. Renters and apartment residents face the greatest difficulty accessing the financial benefits of electrification. Unaffordable energy bills are a social licence risk for the entire energy transition[2].

Recommendation:
Ensure the widest range of Australians have access to solar and home batteries. Other states have introduced changes to enable wider, fairer and more equitable access to energy.[3]

OPS services will require complementary reforms to rental and strata legislation and associated regulatory frameworks to ensure unnecessary barriers to sustainability and shared energy infrastructure are reduced or removed.

We hope you find our submission sufficiently interesting: we are happy to provide any clarifications and additional information as required.

Yours sincerely

Fraser Maywood
Chair, Sustainable Energy Now

Submission approved by the SEN Committee on 15th May 2026 by circular resolution

Sustainable Energy Now (www.sen.asn.au) formed in 2006 is a grass-roots not-for-profit member based advocacy group promoting renewable energy and decarbonisation. Supported by the best science and our own modelling and simulation, we advocate on how Western Australia can make a swift and orderly transition to clean renewable electricity safely, reliably, and affordably with commercially proven technologies.

[1] ECA, Consumer Energy Report Card data, 2025.
[2] ECA Power Move Fair and affordable electrification for Australian households and small businesses,2026
[3] https://www.energysmartstrata.com.au/nswstratalawreformsjuly2025