

Economics Legislation
Answers to questions on notice
Climate Change, Energy, the Environment and Water Portfolio

Inquiry: Competition and Consumer Amendment (Australian Energy Regulator Separation) Bill 2025

Question No: IQ25-000014

Hearing Date: 12 August 2025

Division/Agency: National Energy Transformation Division

Topic: PGPA Act - AER

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Question Type: Spoken

Senator Dean Smith asked:

Senator DEAN SMITH: The department might care to take this on notice. I'm keen to understand how the Public Governance, Performance and Accountability Act, which apparently sits across the Commonwealth, views the existing AER and ACCC arrangements. I've not been able to identify any commentary across the government about the suitability or lack of suitability of the existing arrangements in the context of the PGPA Act. I was wondering if the department might take that on notice for the committee.

Ms McGrath: We can do. Our Department of Finance colleagues will probably be better placed, if you want a specific answer around the PGPA Act. But what I would say is that they have been consulted on this change and it absolutely aligns with the PGPA Act and also takes into account the significant growth in the size of the AER since it was first established.

Senator DEAN SMITH: I don't doubt that the prospective change, the structural separation of the AER from the ACCC, would meet the PGPA Act. That's not in question. I'm keen to understand to what extent the arrangement that currently exists might in actual fact run foul of the PGPA Act regime. If you could take that on notice, that would be much appreciated.

Ms McGrath: We can do that.

Senator DEAN SMITH: Thank you

Answer:

The combined Australian Energy Regulator-Australian Competition and Consumer Commission is currently a listed Non-corporate Commonwealth entity for *Public Governance, Performance and Accountability Act 2013* (PGPA Act) purposes as per s.44AAL(a) of the *Consumer and Competition Act 2010*. The current arrangements do not contravene the intent or requirements of the PGPA Act.