



Our ref: 64737

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Dear Sir/Madam

ACCC Draft Guidelines on the Prohibiting Energy Market Misconduct Act released for consultation

The ACCC has today released the *Draft Guidelines on Part XICA – Prohibited conduct in the energy market* for consultation.

The Draft Guidelines contain the ACCC's approach to the enforcement of the recently adopted *Treasury Laws Amendment (Prohibiting Energy Market Misconduct) Act 2019*, which introduces new prohibitions into the *Competition and Consumer Act 2010 (CCA)*. The purpose of the Guidelines is to clarify the types of conduct and circumstances likely to cause the ACCC concern, and the types of conduct and circumstances that are unlikely to cause the ACCC concern. The Guidelines set out the views of the ACCC. Ultimately it will be a matter for the court to determine if particular conduct contravenes the CCA.

Request for submissions

The ACCC is seeking submissions from interested parties on the Draft Guidelines.

We welcome input from market participants to inform the ACCC's approach to enforcing the prohibitions, and thank stakeholders who made submissions to the initial round of consultation. We now seek detailed input on the Draft Guidelines.

We request submissions by **Friday 3 April 2020** to electricitymonitoring@acc.gov.au or via our [consultation page](#).

Submissions will be placed on the ACCC's website, subject to any requests for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

The Draft Guidelines, as well as a link to earlier submissions made to the ACCC on the guidelines, can be found on our [consultation page](#).

As outlined in previous correspondence, the ACCC will be holding a forum to provide stakeholders an opportunity to discuss the Draft Guidelines. This forum will be held on **Friday 20 March 2020** at the State Library of Victoria.

Feedback received on the Draft Guidelines through written submissions and the forum will inform the final Guidelines.

Timeline for release of guidelines

An indicative timeline of the ACCC's process is provided in Table 1 below.

Table 1: Indicative timeline

Time	Event
25 November 2019	Passage of the Bill through Parliament
29 November 2019	Initial round of consultation begins
10 December 2019	Bill receives royal assent. Six month time period until the amendments contained in Schedule 1 of the Bill come into effect
6 January 2020	Initial round of consultation closes
10 March 2020	Draft Guidelines issued
20 March 2020	Forum - State Library of Victoria
3 April 2020	Submissions on Draft Guidelines due
April – May 2020	Finalisation and release of Guidelines
10 June 2020	Prohibitions come into effect

If you wish to discuss any aspect of this matter, please contact Michael Drake on 03 9658 6517 or electricitymonitoring@accc.gov.au.

Yours sincerely



Lyn Camilleri
General Manager
Electricity Markets Branch