



Express law

fast track information for clients

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Energy Consumers Australia Ltd, a national energy consumer advocacy body, established on 30 January 2015

Energy Consumers Australia Ltd (ECA) is a company limited by guarantee that was established to perform a range of energy consumer advocacy functions nationally and to administer grant funding including for projects that will build knowledge and capacity in the national energy market.

Energy Consumers Australia Ltd structure, objective and activities

ECA was established by state and federal energy ministers of the Council of Australian Governments (COAG) Energy Council. It is a company limited by guarantee and comprises a single member and a 5-person board of directors.

Objective

ECA's objective is to 'promote the long term interests of consumers of energy with respect to the price, quality, safety, reliability and security of supply of energy services by providing and enabling strong, coordinated, collegiate evidence based consumer advocacy on National Energy Market matters of strategic importance or material consequence for energy consumers, in particular for Residential Customers and Small Business Customers' (art 4.1 of the [ECA constitution](#)).

Activities

ECA's key activities, as stated at art 4.2 of the ECA constitution, include:

- effectively and objectively participating in National Energy Market issues and influencing regulatory activities and energy market reform to benefit consumers
- frequently engaging and communicating with consumers and consumer advocates to discuss, support, liaise, collaborate, educate, identify and to receive and provide updates on the National Energy Market and its policies, reforms and issues and general news
- building national and jurisdictional expertise and capacity through research, knowledge development and consultation to advance the interests of Australian energy consumers, in particular residential and small business energy consumers
- undertaking robust research to build knowledge, engage and influence policy development and educate consumers in the energy markets
- (in due course) funding and managing grants to build knowledge and sectoral capacity supporting policy development and consumer education in the National Energy Market
- creating and maintaining effective working relationships with key stakeholders, including consumers and consumer advocates, the Australian Energy Regulator, jurisdictional regulators, energy market participants, the Australian Energy Market Commission, the Australian Energy Market Operator and governments and energy ombudsmen

- other related activities (see further art 4.2 of ECA constitution).

ECA will be funded on an ongoing basis by electricity and gas industry market participants through fees collected by the Australian Energy Market Operator in accordance with the National Electricity Law (and Rules) and the National Gas Law (and Rules), which are 2 Commonwealth–state–territory cooperative legislative schemes in the energy sector.

More information on ECA, including its core activities, guiding principles and constitution, can be found on the [ECA website](#).

Related legislative amendments

Amendments to National Electricity Law and National Gas Law and other legislation

South Australia is the lead jurisdiction for the National Electricity Law and the National Gas Law cooperative schemes.

On 30 January 2015 the *Statutes Amendment (Energy Consumers Australia) Act 2014 (SA)* commenced.

The Act amends the National Electricity Law, the National Gas Law and other legislation to support the establishment of ECA, provide for the making of rules about its permanent funding arrangements and to repeal the Consumer Advocacy Panel (a body that administered consumer advocacy grant funding before ECA was established).

Amendments to other legislative instruments

Related amendments to the National Electricity Rules and National Gas Rules were made by the South Australian Minister for Mineral Resources and Energy and commenced on 30 January 2015. Related regulation amendments also came into operation on that date.

The legislative instruments can be accessed through these links:

- [Statutes Amendment \(Energy Consumers Australia\) Act 2014 \(SA\)](#)
- [Australian Energy Market Commission Establishment Variation Regulations 2014 \(SA\)](#)
- [National Electricity \(Energy Consumers Australia\) Amendment Rule 2014](#)
- [National Gas \(Energy Consumers Australia\) Amendment Rule 2014.](#)

Further information on the processes to establish ECA can be found on the [Council of Australian Governments \(COAG\) Energy Council website](#).

AGS involvement

AGS lawyers advised the Department of Industry and Science on the establishment of ECA:

- Lawyers from the **Office of General Counsel** advised on a range of statutory interpretation, constitutional law and funding related issues; instructed on the necessary legislative amendments; and drafted the related new rules. The team included Danielle Chifley (outposted Counsel), Sacha Moran (Senior General Counsel), Leo Hardiman (National Group Leader OGC), Jenny Francis (Senior General Counsel), David Lewis (Senior General Counsel), Marlowe Thompson (Counsel) and Piccolo Willoughby (Counsel).
- Lawyers from **AGS Commercial** advised on a range of commercial law issues; drafted the company constitution; registered the company; and addressed related transitional matters. The team included Paul Lang (Deputy General Counsel – Commercial), Kenneth Eagle (National Group Manager Commercial), Claire Derix (Senior Executive Lawyer), Stuart Hilton (Senior Lawyer) and Lillian Riches (Senior Lawyer).

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