

Extensions of time to comply with the Compliance and Performance Reporting Guideline

On 1 December 2021, the commission's enforcement framework was amended by the Essential Services Commission (Compliance and Enforcement Powers) Amendment Act 2021. On that date, compliance with the Compliance Performance and Reporting Guideline (the guideline) became a civil penalty requirement. As a result, a failure to comply with the guideline may itself result in enforcement activity, including potential penalties. The commission will consider whether to take enforcement action for breaching the guideline in accordance with our [Compliance and Enforcement Policy](#).

Licensees are required to submit compliance and performance reports within the timelines prescribed by the guideline.

Where timelines cannot be complied with, the licensee must contact the commission in writing at compliance.reporting@esc.vic.gov.au to request an extension of time before the relevant deadline expires. This request must include:

- Reasons why the licensee cannot submit the compliance or performance report within the prescribed timeframe, and
- A proposal for an alternative and reasonable timeframe.

In considering whether to grant or reject the request for extension of time, we will have regard to the following factors:

- The length of the requested extension
- The reasons given by the licensee to explain their inability to comply with the prescribed timeframes
- The specific compliance breach or performance data for which the licensee is requesting an extension of time and whether a delay would impact on the commission's strategic priorities and our legislated reporting obligations (for example, the Victorian Energy Market Report)
- The size of the licensee and their capacity to comply with the prescribed timeframes
- The length of notice given to the commission concerning the licensee's request for extension of time

We expect these extension requests to be infrequent and generally limited to circumstances beyond the licensee's control.