

# Final decision

CitiPower, Powercor and United Energy electricity  
distribution determination

1 July 2026 – 30 June 2031

**Attachment 4 – Pass through events**

**April 2026**

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## 4 Pass through events

This attachment sets out our final decision for the nominated pass through events proposed by CitiPower, Powercor and United Energy (**CPU**). All three networks proposed the same nominated pass through events for the 2026-31 regulatory period on the same terms and with the same wording, with the exception of Powercor's new potential LeavePlus event, raised only in its specific revised proposal. This document sets out our assessment for all three businesses. A reference to CPU in this attachment should be taken as a reference to the respective proposal of each business. We have only referenced CitiPower's proposal for the wording of these pass through events.

During the regulatory control period CPU, can apply to pass through to its customers, in the form of higher or lower network charges, certain material changes in its efficient costs caused by pre-defined exogenous events. These events are called cost pass through events. Positive pass throughs allow CPU to recover the efficient costs incurred as a result of events that could not be forecast as part of its proposal that otherwise would have a significant financial effect on its ability to invest in and operate its network.<sup>1</sup>

The National Electricity Rules (**NER**) prescribe the following pass through events for all distribution determinations:<sup>2</sup>

- a regulatory change event
- a service standard event
- a tax change event
- a retailer insolvency event.

In addition to these prescribed events, other pass through events may be 'nominated' by a service provider for a regulatory control period.<sup>3</sup> This attachment sets out our final decision on the nominated pass through events to apply to CPU for the 2026–31 regulatory control period.

### 4.1 Final decision

Our final decision is to:<sup>4</sup>

- not accept CPU's new repropoed fault level event and Powercor's new LeavePlus event, and
- accept CPU's remaining events: insurer credit risk, insurance coverage, natural disaster, terrorism and retailer insolvency, as proposed, because they align with our current definitions for these events.

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<sup>1</sup> AEMC 2012, *Cost pass through arrangements for Network Service Providers*, Rule Determination, 2 August 2012, p. 2 ([1.4]).

<sup>2</sup> NER, cl. 6.6.1(a1)(1)–(4). Each of these prescribed events is defined in Chapter 10 (Glossary) of the NER.

<sup>3</sup> NER, cl. 6.6.1(a1)(5).

<sup>4</sup> This is one of the constituent decisions we must make under NER, cl 6.12.1(14).

Our reasons are set out in section 4.4 and our final decision definitions (which are the same as those provided by CPU for those nominated pass through events we have accepted) are set out in attachment 4 of our draft decision.

## 4.2 CPU’s revised proposals

This attachment focusses on CPU’s proposed fault level event, which we did not accept in our draft decision, and Powercor’s new LeavePlus event. CPU accepted our draft decision with respect to its remaining 5 nominated events and these are defined in attachment 4 of our draft decision.<sup>5</sup>

Table 4-1 lists CPU’s proposed fault level event and Powercor’s LeavePlus event.

**Table 4-1 CPU’s additional nominated pass through events**

Pass through event	Proposed definition
Fault level event	<p>CPU proposed the following definition:<sup>6</sup></p> <p>A fault level event occurs if a transmission connection agreement for the connection of a new generating system, integrated resource system or synchronous condenser to the Victorian declared transmission system is entered into, which:</p> <ul style="list-style-type: none"> <li>• will cause a part or parts of our distribution network to operate at fault levels exceeding the lower of: <ul style="list-style-type: none"> <li>– the levels set out in Table 6 of the EDCoP, as applicable to the relevant part of the network based on its voltage level; or</li> <li>– the relevant Plant Limit; and</li> </ul> </li> <li>• increases [CPU’s] costs of providing direct control services.</li> </ul> <p>For the purposes of this fault level event:</p> <p>'EDCoP' means the Victorian Electricity Distribution Code of Practice made by the Essential Services Commission Victoria under the Essential Services Commission Act 2001;</p> <p>'Plant Limits' means the Primary or Secondary Plant Limitation, retrieved from Zone Substation Plant Data Sheets or advised by the Plant and Stations team within the networks part of our business.</p>
LeavePlus event (Powercor only) <sup>7</sup>	<p>Powercor did not propose a definition for this event, but we have considered the following definition for the purposes of our assessment:</p> <p>A LeavePlus costs event occurs if Coinvest Limited (ACN 078 004 985), trading as LeavePlus, as trustee of the Construction Industry Long Service Leave Fund, decides that Powercor must pay to it a long service leave</p>

<sup>5</sup> AER, *Attachment 4 – Pass through events – Draft decision CitiPower, Powercor and United Energy distribution determinations 2026-31*, September 2025.

<sup>6</sup> CitiPower, *CP RRP ATT 7.01 – Fault level event*, December 2025, pp. 3-4.

<sup>7</sup> Powercor, *Powercor Revised Proposal 2026-31 – Revenue and expenditure forecasts*, December 2025, pp. 82 – 83.

Pass through event	Proposed definition
	<p>charge in respect of workers employed by Powercor to perform construction work in the construction industry.</p> <p>Note: a decision by LeavePlus is subject to the determination of the appeal against the ruling of the Supreme Court of Victoria in the matter of EnergyAustralia Pty Ltd v Coinvest Ltd [2025] VSC 100 by the Victorian Court of Appeal (or any further appeal from the Court of Appeal decision).</p>

Source: CitiPower, *CP RRP ATT 7.01 – Fault level event*, December 2025, pp. 3–4.; Powercor, *Powercor Revised Proposal 2026-31 – Revenue and expenditure forecasts*, December 2025, pp. 82–83.; AER analysis.

### 4.3 Assessment approach

The NER set out how we must assess nominated pass through events, and how we must assess an application from a service provider to pass through changes in costs where an event occurs.<sup>8</sup>

Our assessment approach is guided by the National Electricity Objective (**NEO**)<sup>9</sup> and the Revenue and Pricing Principles (**RPPs**).<sup>10</sup> The RPPs include that the service provider should be provided with a reasonable opportunity to recover at least the efficient costs of providing services and complying with regulatory obligations.<sup>11</sup> The NEO and the RPPs also reflect the importance of incentives to promote economic efficiency and balance the risks of under and over investment.<sup>12</sup>

In the context of pass through events, we have particular regard to the impact on price, quality, reliability and security of supply that may arise as a result of any change in the efficient operation of, and ability and incentive of, a service provider to invest in its network. This is a similar approach to that taken by the Australian Energy Market Commission (**AEMC**) when considering pass through event rule changes.<sup>13</sup>

In determining whether we accept a nominated pass through event, we must take into account the 'nominated pass through event considerations' as defined,<sup>14</sup> which are as follows:<sup>15</sup>

- a) whether the event proposed is an event covered by a category of pass through event specified in clause 6.6.1(a1)(1) to (4) (in the case of a distribution determination) or clause 6A.7.3(a1)(1) to (4) (in the case of a transmission determination);
- b) whether the nature or type of event can be clearly identified at the time the determination is made for the service provider;

<sup>8</sup> NER, cls. 6.5.10(b), 6.6.1.

<sup>9</sup> The NEO is defined in s. 7 of the NEL.

<sup>10</sup> The revenue and pricing principles are set out in s. 7A of the NEL.

<sup>11</sup> NEL, s. 7A(2).

<sup>12</sup> NEL, ss. 7(a), 7A(3).

<sup>13</sup> AEMC 2012, *Cost pass through arrangements for Network Service Providers*, Rule Determination, 2 August 2012, p. 6 ([2.4]).

<sup>14</sup> NER, cl. 6.5.10(b).

<sup>15</sup> NER, Chapter 10, definition of nominated pass through event considerations.

- c) whether a prudent service provider could reasonably prevent an event of that nature or type from occurring or substantially mitigate the cost impact of such an event;
- d) whether the relevant service provider could insure against the event, having regard to:
  - 1) the availability (including the extent of availability in terms of liability limits) of insurance against the event on reasonable commercial terms; or
  - 2) whether the event can be self-insured on the basis that:
    - i) it is possible to calculate the self-insurance premium; and
    - ii) the potential cost to the relevant service provider would not have a significant impact on the service provider's ability to provide network services; and
- e) any other matter the AER considers relevant and which the AER has notified network service providers is a nominated pass through event consideration.

The AEMC described the purpose of the nominated pass through event considerations as:

... to incorporate and reflect the essential components of a cost pass through regime in the NER. It was intended that in order for appropriate incentives to be maintained, any nominated pass through event should only be accepted when event avoidance, mitigation, commercial insurance and self-insurance are unavailable.<sup>16</sup>

... that a pass through event should only be accepted when it is the least inefficient option and event avoidance, mitigation, commercial insurance and self-insurance are found to be inappropriate. That is, it is included after ascertaining the most efficient allocation of risks between a service provider and end customers.<sup>17</sup>

This protects the incentive regime under the NER by limiting erosion of a service provider's incentives to use market-based mechanisms to mitigate the cost impacts that would arise. This promotes the efficient investment in, and efficient operation and use of, network services for the long-term interests of consumers with respect to price.<sup>18</sup>

As a matter of good regulatory practice, we also take into account the desirability of consistency in our approach to assessing nominated pass through events across our electricity determinations and gas access arrangements.<sup>19</sup>

### 4.3.1 Interrelationships

The pass through mechanism is not the only way service providers can manage their risks under a distribution or transmission determination. It is interrelated with other parts of this decision, in particular with the forecast operating and capital expenditure (opex and capex)

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<sup>16</sup> AEMC 2012, *Cost pass through arrangements for Network Service Providers*, Rule Determination, 2 August 2012, p. 19.

<sup>17</sup> AEMC 2012, *Cost pass through arrangements for Network Service Providers*, Rule Determination, 2 August 2012, p. 20.

<sup>18</sup> AEMC 2012, *Cost pass through arrangements for Network Service Providers*, Rule Determination, 2 August 2012, p. 8.

<sup>19</sup> AEMC 2012, *Cost pass through arrangements for Network Service Providers*, Rule Determination, 2 August 2012, p. 18.

and rate of return included in our revenue determination. We must specify and take account of these interrelationships.<sup>20</sup> This requires us to balance the incentives in the various parts of our decision.

For systematic risks, service providers are compensated through the allowed rate of return. Service providers also face business-specific, or residual, risks. Service providers are compensated for the prudent and efficient management of these risks through the forecast opex and capex we include in our revenue determination for strategies such as:

- prevention (avoiding the risk)
- mitigation (reducing the probability and impact of the risk)
- insurance (transferring the risk to another party)
- self-insurance (putting aside funds to manage the likely costs associated with a risk event).

An efficient business will manage its risk by employing the most cost-effective combination of these strategies. In order to maintain appropriate incentives under our determinations, we consider the prescribed matters in the definition of nominated pass through event considerations such as event avoidance, mitigation, commercial insurance and self-insurance under approved forecasts of prudent and efficient opex and capex are either unavailable or inappropriate.<sup>21</sup>

In general, in respect of unforeseen costs that are relatively minor, a service provider should manage them by using up its existing expenditure allowance, or reprioritising or substituting its projects, to avoid seeking cost recovery through the pass through mechanisms.<sup>22</sup> This is reflected in the materiality threshold that applies to cost pass through applications.<sup>23</sup>

Cost pass through amounts approved in a regulatory control period are added to (or in the case of a negative pass through deducted from) forecast opex and capex for the purpose of calculating efficiency carryover amounts under the Efficiency Benefit Sharing Scheme and Capital Expenditure Sharing Scheme.

Any capex that has already been recovered in a regulatory control period by way of a cost pass through cannot be recovered again in the roll-forward of the regulatory asset base for the next regulatory control period.

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<sup>20</sup> NEL, s. 16(1)(c).

<sup>21</sup> AEMC 2012, *Cost pass through arrangements for Network Service Providers*, Rule Determination, 2 August 2012, pp. 19–20.

<sup>22</sup> AEMC 2012, *Economic Regulation of Network Service Providers, and Price and Revenue Regulation of Gas Services*, Final Position Paper, 29 November 2012, p. 186.

<sup>23</sup> NER, Chapter 10: Glossary, definition of 'materially'.

## 4.4 Reasons for decision

### 4.4.1 Fault level and LeavePlus events

A summary of our assessment of each of CPU’s repropoed fault level event and Powercor’s LeavePlus event against the NER considerations in section 4.3 is set out in Table 4-2.

**Table 4-2 Assessment of CPU’s new proposed pass through events**

Pass through event considerations	Fault level event	Leave plus event
(a) Already covered by NER?	No	No
(b) Clearly identified?	Yes	Yes
(c) Could prudent provider prevent/mitigate?	Yes – through joint planning	Yes – Powercor has stated it can realise cost savings
(d) Insurable?	No	No
Other comments	No	No

Source: AER analysis

A more detailed assessment of each new nominated pass through event is below.

#### 4.4.1.1 Fault level event

##### Background

In its initial proposals, CPU submitted that more generation assets are being added to the upstream Victorian transmission network, by AEMO and TNSPs, in areas where there has historically been low generation. CPU submitted that this increases the risk of fault levels unexpectedly rising above their current actual levels at certain connection points of CPU’s distribution network, which may result in CPU incurring costs to augment its network to accommodate these higher fault levels. CPU proposed a new cost pass through event for these instances.<sup>24</sup>

##### Draft decision

In our draft decision, we did not accept this new pass through event for the following reasons<sup>25</sup>:

- We considered that it was unlikely fault levels would unexpectedly exceed their current limits for downstream distribution networks as a result of new upstream generation assets being added to the transmission network
- We expected there to be joint planning arrangements and processes between AEMO, TNSPs and DNSPs to plan in advance for such instances so that they can be either avoided or prudently planned for, and

<sup>24</sup> CitiPower, *CP RRP ATT 7.01 – Fault level event*, December 2025, pp. 3-4.

<sup>25</sup> AER, *Attachment 4 – Pass through events – Draft decision CitiPower, Powercor and United Energy distribution determinations 2026-31*, September 2025, pp. 10–11.

- From a technical perspective, we considered there to be a variety of options available to DNSPs to manage fault levels, including ones that are not excessive in cost and would be unlikely to meet the cost pass through materiality threshold.

#### Revised proposal

CPU has proposed this cost pass through event again in its revised proposal, for the following reasons:

- CPU submitted that actual fault levels are indeed likely to increase at parts of its network in the future:<sup>26</sup>
  - With AEMO’s endorsement, CPU submitted that it is likely that fault levels may increase in the future at parts of its network that have had historically lower upstream generation and, consequently, have been set up to handle lower actual fault levels at those connection points. This has been a trend observed by AEMO.
  - This would be the result of new generation assets that may be added to the upstream transmission network by AEMO or other TNSPs, that may increase the downstream fault levels on CPU’s distribution network (such as synchronous condensers (**syncons**) and inverter-based resources (**IBR’s**)).
- CPU cannot engage in joint planning to mitigate the impact of these higher actual fault levels:<sup>27</sup>
  - CPU submitted that these new generation assets may increase their *actual* fault levels at these connection points, but that these increases will likely not raise fault levels above the *limits* set out in the NER or Use of Service Agreements (**UoSA**) for these connection points.
  - Therefore, a situation could arise where CPU does not need to be consulted (and submits that it currently is not consulted) by an upstream TNSP or AEMO when a generation asset that increases fault levels is added unless the fault level limits in the UoSA or NER are exceeded. CPU submitted that it will then have no choice but to make last minute emergency augmentations to its network at these connection points to ensure that they can handle these sudden higher and unexpected fault levels without having received any advanced warning to undertake proper planning measures.
  - CPU gives an example in 2023, when Powercor was not consulted when the Big Battery was connected at the Geelong Terminal Station. CPU identified that this project would raise its fault levels at this location and it had no choice but to undertake necessary augmentation work to handle these higher fault levels, with these works expected to be finished in December 2025.
- The costs of these last minute augmentations can be excessive:<sup>28</sup>
  - CPU submitted that because it does not have advanced notice of these fault level increases, it cannot undertake proper planning measures in a timely and cost effective manner. While the precise work can vary depending on circumstances,

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<sup>26</sup> CitiPower, *CP RRP ATT 7.01 – Fault level event*, December 2025, pp. 7–8.

<sup>27</sup> CitiPower, *CP RRP ATT 7.01 – Fault level event*, December 2025, pp. 9–11.

<sup>28</sup> CitiPower, *CP RRP ATT 7.01 – Fault level event*, December 2025, pp. 12–13.

CPU submits it will typically involve replacement of primary plant across an extensive area of network or installation of fault limiting reactors, which can cost up to \$50 million per item depending on the circumstances.

- CPU may also need to incur compensation costs to its customers if their supply is interrupted.

#### Final decision

Our final decision is not to accept this new cost pass through event as:

- It is our view that most of the new renewable generation assets being added upstream are unlikely to contribute to material increases in fault levels. While we accept that actual fault levels may increase at parts of CPU's network that have had historically low generation as a result of future transmission projects, we are not satisfied that CPU cannot or should not engage in appropriate joint planning with TNSPs and AEMO in advance to properly plan and manage these occasions. This is the intention of the Joint Planning requirements of the NER.
- Given fault level limits in the NER or UoSA are unlikely to be exceeded, we would therefore expect CPU to manage instances where fault levels fluctuate within these pre-existing parameters and to not rely on the cost pass through mechanism, which is intended for instances of unforeseeable external impacts and not standard operational considerations or risks.

In determining whether we accept a nominated pass through event, we must take into account the 'nominated pass through event considerations' as defined in the NER. This includes whether a prudent service provider could reasonably prevent an event of that nature or type from occurring or substantially mitigate the cost impact of such an event.

We are not satisfied that CPU cannot engage in joint planning to plan for, avoid or reduce the cost burden of instances where its actual fault levels may increase at a connection point as a result of upstream transmission works.

CPU submitted that if AEMO or a TNSP were to undertake transmission works that had the effect of increasing fault levels on downstream DNSPs (such as CPU), and as long as these fault level increases remained within the limits set out in the NER or UoSA, then the DNSP would not need to be consulted about such works. CPU cites examples and specifically submitted that:

- "... as a distributor, we are generally not consulted on the planning of connections to the transmission network,"<sup>29</sup>
- "Repeated requests by Powercor (as the person with responsibility under the NER for the planning of transmission-distribution connection points) for joint planning in respect of the proposed connection were not entertained by AEMO."<sup>30</sup>
- "As we do not typically have advance notice of a proposed connection to the transmission network, we are generally not able to ensure that the connection occurs in

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<sup>29</sup> CitiPower, *CP RRP ATT 7.01 – Fault level event*, December 2025, p. 12.

<sup>30</sup> CitiPower, *CP RRP ATT 7.01 – Fault level event*, December 2025, p. 13.

a manner that does not increase fault levels on our distribution network beyond our network's actual limits.”<sup>31</sup>

- “... AEMO is not in a position to identify that our network's actual fault level limits may be exceeded or to plan the transmission network in a way that mitigates the risk of this [increase in fault level] occurring.”<sup>32</sup>

We are concerned about the above statements because they suggest that joint planning between TNSPs, AEMO (as the Victorian planner) and DNSPs with respect to mutual connection points is not currently occurring in accordance with good industry practice and as intended under the NER.<sup>33</sup> If it was, we consider that CPU should have sufficiently advanced notice to either:

- a) ensure its fault levels are not majorly impacted by transmission works, or
- b) have enough notice of any required augmentation works to either manage its overall capex to reprioritise works as needed and/or include them as part of their next revenue determination proposal.

We consider that any upstream projects that may impact CPU's fault levels, such as renewable generation projects, syncons, or large batteries, would likely take around 3 to 5 years from inception to commissioning due to the planning, engineering, environmental, and network requirements that have to be addressed. This would normally provide sufficient time for joint planning and good industry practices to be followed, and for any necessary augmentation costs to be proposed as capex as part of CPU's next revenue determination process, or for reprioritisation of its capex portfolio.

We do not consider the fact that NER or UoSA fault level limits are not being breached to be sufficient reason for TNSPs and AEMO to not engage in regular discussions with CPU (or other DNSPs) about planned transmission works near common connection points. Joint planning is intended to ensure that the most mutually prudent and efficient outcome between stakeholders can be achieved (including in relation to fault level impacts).

Our view is that CPU should take steps to establish and implement an effective, periodic, joint planning process with TNSPs and AEMO, as required under the NER,<sup>34</sup> to plan, anticipate and manage its expected future fault levels. The role of the cost pass through mechanism is not to remedy a failure of joint planning practices. We note that AEMO has recognised the importance of active and coordinated stakeholder engagement and planning in its recent transition plan for system security (which would impact DNSP fault levels) and that it has accordingly committed to extensive future engagement and joint planning on such matters.<sup>35</sup>

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<sup>31</sup> CitiPower, *CP RRP ATT 7.01 – Fault level event*, December 2025, p. 13.

<sup>32</sup> CitiPower, *CP RRP ATT 7.01 – Fault level event*, December 2025, p. 12.

<sup>33</sup> NER, cl. 5.14.1.

<sup>34</sup> NER, cl. 5.14.1.

<sup>35</sup> AEMO, *2025 Transition Plan for System Security*, December 2025, p. 48.

#### 4.4.1.2 LeavePlus event

##### Background

In its revised proposal, Powercor (and Powercor alone) raised a new issue for potential *LeavePlus* costs, and summarised the issue as follows:<sup>36</sup>

- On 25 March 2025, the Supreme Court of Victoria delivered judgment in the matter of *Energy Australia Yallourn Pty Ltd v Coinvest Ltd* (**EnergyAustralia decision**). The case concerned whether EnergyAustralia had to make scheme contributions for ‘*construction workers*’ under the *Construction Industry Long Service Leave Act 1997* (Vic) (**CILSL Act**). Powercor considers that the EnergyAustralia decision may be applicable to it, if upheld on appeal.
- The court ruled that EnergyAustralia is in the ‘construction industry’ and that maintenance work its workers perform is ‘construction work’. EnergyAustralia appealed this decision on 5 May 2025, but the appeal is yet to be determined.
- Under the LeavePlus scheme, the amount payable by an employer is determined by the scheme trustee, Coinvest Limited, which trades as LeavePlus, in accordance with a formula that reflects the number of construction workers employed and the ordinary pay of each of those workers.
- LeavePlus has sought further information from Powercor on the number and type of workers it employs and whether they constitute ‘construction workers’ for the purpose of the CILSL Act and LeavePlus scheme.
- Powercor expects to receive a decision from LeavePlus determining whether it is part of the scheme and setting out the charges it will require Powercor to pay under the scheme, including several years of back payments, if the Victorian Court of Appeal upholds the EnergyAustralia decision.
- Powercor does not have visibility of the payment or savings but estimates its costs, including back payments, could range up to \$20 million over the 2026-31 regulatory period. Powerlink acknowledged that cost savings may also arise as a result of adjustments to its existing provision for long service leave (**LSL**) for workers who would be covered by the LeavePlus scheme.

Powercor proposed that the AER treat the LeavePlus scheme as a jurisdictional scheme and therefore any LSL charges they incur under the scheme as jurisdictional scheme amounts in their pricing proposal for the 2026–31 period. Or, if the AER does not consider the LeavePlus scheme to be a jurisdictional scheme, to create a new nominated cost pass through event for an instance where Powercor incurs any LSL charges as a result of the EnergyAustralia decision being upheld in the court of appeal (**LeavePlus event**).

##### Final decision

Our final decision is as follows:

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<sup>36</sup> Powercor, *Powercor Revised Proposal 2026-31 – Revenue and expenditure forecasts*, December 2025, pp. 82–83.

- The LeavePlus Scheme is not a jurisdictional scheme because it does not meet the jurisdictional scheme eligibility criteria, specifically because it does not impose an obligation on Powercor in its capacity as a DNSP. We do not consider the jurisdictional scheme issue further in this attachment.
- A LeavePlus event would not be captured under Powercor’s existing cost pass through events. Furthermore, we do not accept Powercor’s LeavePlus event as a new nominated event as it appears likely that Powercor, through its own acknowledgment, is able to achieve offsetting cost savings and reduce the cost impact of any charges under a LeavePlus event.

### Assessment

In determining whether we accept a nominated pass through event, we must take into account the 'nominated pass through event considerations' as defined in the NER. This includes whether a prudent service provider could reasonably prevent an event of that nature or type from occurring or substantially mitigate the cost impact of such an event.

In its revised proposal, Powercor has stated about this issue: *'it is expected [that] cost savings may also arise as a result of adjustments to [its] existing provision for long service leave for workers that would ... be covered by the [LeavePlus] scheme'*.<sup>37</sup>

Therefore, we consider that Powercor is likely able to mitigate the cost impact of any charges it may incur under the LeavePlus scheme.

We also note that the pass through regime is a form of incentive regulation,<sup>38</sup> rather than cost of service regulation, with the implication that NSPs should not be encouraged to nominate each and every increase in their costs as a pass through event. In other words, the pass through scheme should be administered in a way that incentivises NSPs to manage their costs (and absorb the cost of some smaller changes to their operating environments).

In this context, we consider that the implications of the EnergyAustralia decision on Powercor are not that it must pay costs it has never previously paid – as we assume Powercor already has LSL liabilities. The EnergyAustralia decision (and any decision from the Victorian Court of Appeal or any further appeal from the Court of Appeal decision) or a decision by LeavePlus does not change that (ie, either way, Powercor will still pay for its employees' LSL).

In conclusion, we consider any potential LeavePlus costs that Powercor may incur are more akin to standard business expenses that it is already incurring and should be managing. We do not consider a new pass through event should be created in this instance and that a more efficient outcome would be for Powercor to absorb, mitigate or manage these costs itself,<sup>39</sup>

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<sup>37</sup> Powercor, *Powercor Revised Proposal 2026-31 – Revenue and expenditure forecasts*, December 2025, p. 82.

<sup>38</sup> AEMC 2012, *Cost pass through arrangements for Network Service Providers*, Rule Determination, 2 August 2012, pp. 19 - 20.

<sup>39</sup> AEMC 2012, *Cost pass through arrangements for Network Service Providers*, Rule Determination, 2 August 2012, p. 20.

which it has already suggested it may be capable of doing through savings in its existing leave entitlement provision.

## Shortened forms

Term	Definition
AEMC	Australian Energy Market Commission
AER	Australian Energy Regulator
capex	capital expenditure
DNSP	distribution network service provider
NEL	National Electricity Law
NEM	National Electricity Market
NEO	National Electricity Objective
NER	National Electricity Rules
NSP	network service provider
opex	operating expenditure
RPP	revenue and pricing principles

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