

# Amaysim Energy





## Explicit Informed Consent Audit

In March 2019 the Australian Energy Regulator (AER) required Amaysim Energy (Amaysim) to carry out a compliance audit in connection with its obligations under the National Energy Retail Law and Rules to obtain and record customers' explicit informed consent to certain transactions. These include the transfer of a customer from another retailer to Amaysim, the entry by a customer into a market retail contract with Amaysim, and any term or condition in a market retail contract that provides for the variation of tariffs, charges or benefits to the customer under that contract.

The audit was conducted by Protiviti. Protiviti was asked to assess the adequacy and effectiveness of Amaysim's compliance policies, procedures and systems in a number of key areas, and to assign an overall grading of:

- Adequate/Effective: Minimal or no action required, with only minor and low risk findings. Improvement opportunities exist to achieve best practice in meeting the relevant obligations.
- Partially adequate/effective: Improvement is required to some key processes and controls, and is likely to require substantial effort in order to support compliance with the relevant obligations.
- Inadequate/Ineffective: Significant improvement is required, and may require urgent revision to or implementation of processes and controls in order to support compliance.

A summary of Protiviti's findings is provided below.

Grade	Protiviti's assessment
 Inadequate/ Ineffective	<b>Transactions for which explicit informed consent is required</b>  64 per cent of policies, procedures and systems were found to be adequate and effective. Protiviti found the remainder were either partially effective or ineffective and required improvement.  Recommendations focused on ensuring retention and upgrade procedures for existing customers address explicit informed consent obligations, enhancing training programs and quality assurance processes.
 Inadequate/ Ineffective	<b>Nature of explicit informed consent</b>  76 per cent of policies, procedures and systems were found to be adequate and effective. The remainder were considered ineffective, particularly in relation to Amaysim's adherence to its existing policies and procedures.  Recommendations focused on training programs and quality control enhancements.
 Inadequate/ Ineffective	<b>Records of explicit informed consent</b>  62 per cent of policies, procedures and systems were found to be adequate and effective. The remainder were found to be either partially effective or ineffective.  Recommendations focused on enhancing record keeping processes, establishing a centralised register of customers requesting their explicit informed consent record and third party vendor record management.
 Adequate/ Effective	<b>Retailer obligations in relation to customer transfer</b>  100 per cent of policies, procedures and systems were found to be adequate and effective.



**De-energisation must not be arranged when a customer enquiry regarding explicit informed consent remains open**

100 per cent of policies, procedures and systems were found to be adequate and effective.

Adequate/  
Effective



**Actions to be taken where no or defective explicit informed consent**

100 per cent of policies, procedures and systems were found to be adequate and effective.

Adequate/  
Effective



**Obligations to submit information and data on compliance and performance to the AER**

100 per cent of policies, procedures and systems were found to be adequate and effective.

Opportunities for improvement included implementing training refreshers to ensure all reportable compliance breaches are reported to the AER in a timely manner.

Adequate/  
effective

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**Next steps**

Amaysim has accepted Protiviti's findings and has advised the AER that its implementation plan to address Protiviti's recommendations was completed in October 2019.