



Energy and Water
Ombudsman (Victoria)

Resolving your electricity, gas & water complaints. Independently.

7 November 2009

Mr Gavin Clancy
ESC Communications Manager
Essential Services Commission
Level 2, 35 Spring St
Melbourne VIC 3000

By email: gavin.clancy@esc.vic.gov.au

Dear Mr Clancy

Re: Essential Services Commission's Charter of Consultation and Regulatory Practice – 2009 Review

Thank you for the opportunity to provide comment on the Essential Services Commission (ESC)'s Draft Charter of Consultation and Regulatory Practice (the Draft Charter).

EWOV's interest in providing comment on this Draft Charter relates to the Energy and Water Ombudsman (Victoria) (EWOV)'s relationship with the ESC. EWOV started fully operating in 1996 as the ESC approved Victorian external customer dispute resolution scheme. In this role EWOV receives, investigates and resolves electricity, gas and water complaints that involve licensed providers operating in Victoria. There are numerous references to the ESC in EWOV's Constitution and Charter, complemented by the Memorandum of Understanding which EWOV and the ESC established. These links show that EWOV has a strong and close relationship with the ESC.

EWOV welcomes the opportunities during the ESC's public consultation processes to comment on regulatory changes. The scheme has made numerous submissions over the past years. EWOV also provides regular reports to the ESC, such as the six-monthly marketing and interval meter reports and ad-hoc reports requested by ESC staff. Furthermore, EWOV participates as an observer in the ESC's Customer Consultative Committee meetings, attends ESC workshops and meets with ESC staff on a regular basis to discuss systemic issues or cases requiring ESC interpretation. EWOV appreciates the advice and assistance provided to its Conciliation staff by ESC representatives.

The ESC's role and objectives

EWOV supports the ESC's primary objective to 'promote the long-term interests of Victorian consumers'¹ with regard to the price, quality and reliability of essential services. As outlined in our submission dated 16 November 2006 in response to the *Review of the Essential Services Commission Act 2001*, we see this objective to be reflective of the fact that the ESC's work constitutes an important part of the Victorian consumer protection framework in relation to the energy and water industries². We are therefore pleased to see that the ESC continues to emphasise this guiding principle.

The ESC's consultation principles

EWOV welcomes the ESC's consultation principles aiming to be independent, balanced and fair, open and transparent, accessible, considerate, representative, effective and efficient. These principles are in line with the *Best Practice Utility Regulation* published on the Australian Competition & Consumer Commission (ACCC)'s website in July 1999³. They also correspond largely with EWOV's own guiding principles.

The ESC's approach to regulatory practice

EWOV views the current level of regulation after the ESC's recent reforms as proficient in providing a high-quality level of certainty and consistency to industry, consumers and EWOV. From EWOV's case handling experience we note that the current ESC codes and guidelines provide strong guidance for complaint investigations. Ensuring best practice in performing the ESC's functions, EWOV welcomes the ESC's approach to continuously train staff, review internal practices and frameworks as well as liaising with other bodies.

We trust the above comments are helpful. Should you require further information or have queries, please contact Frances Wood, Manager Public Affairs and Policy, on (03) 9649 7599 or at frances.wood@ewov.com.au.

Yours sincerely



Fiona McLeod
Energy and Water Ombudsman (Victoria)

¹ As outlined in the *Essential Services Commission Act 2001*.

² For further details go to [www.ewov.com.au/Policy & Research/ Public Submissions 2006](http://www.ewov.com.au/Policy%20&%20Research/Public%20Submissions%202006) (16 Nov 2006) (<http://www.ewov.com.au/site/DefaultSite/filesystem/documents/PDF/Responses/2006/061116-L-EWOV%20comments%20on%20Issues%20Paper%20and%20submissions.pdf>)

³ For more information go to www.accc.gov.au (<http://www.accc.gov.au/content/index.phtml/itemId/374599>).