



3 December 2010

Mr Chris Hutchins
Project Manager – Trade Waste
Essential Services Commission
Level 2, 35 Spring Street
Melbourne VIC 3000

By email: water@esc.vic.gov.au

Dear Mr Hutchins

Re: Developing a trade waste customer service code

Thank you for the opportunity to provide comment on the Essential Services Commission's (ESC) Scoping Paper on *Developing a trade waste customer service code* (the Scoping Paper).

The Energy and Water Ombudsman (Victoria) (EWOV) welcomes the ESC's decision to develop a trade waste customer service code, and to work together on any potential cases requiring the ESC's involvement.

The following comments are based on our experience as an independent complaint handling body.

For the period of 1 July 2008 to 30 June 2010 EWOV received seven cases relating to trade waste. Of these seven cases received, only three were investigated¹ whilst the remainder were referred back to the water company to resolve. Please find attached an overview of all seven cases received.

EWOV would like to clarify information pertaining to its role, as outlined under section 2.4 of the scoping paper. The scoping paper notes "the Ombudsman cannot hear matters on pricing, and is limited to claims up to \$20,000 (or \$50,000 with the consent of all parties)". However, the stated monetary limit relates only to binding decisions made by the Ombudsman. There is no financial limit where a conciliated outcome has been achieved.

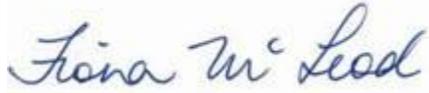
It is correct that EWOV's jurisdiction does not extend to complaints relating to the setting of prices or tariffs (...) (clause 4.2(a) of EWOV's Charter), although we can investigate complaints relating to the application of an incorrect tariff.

¹ Case references: W/2009/911, W/2009/1485 and W/2010/644

Given the limited number of trade waste cases received to date, EWOV does not envisage an increase in the case numbers as a result of the development of a trade waste customer service code.

We trust the above comments are helpful. Should you require further information or have any queries, please contact Nicholas Butcher, on (03) 9649 7599 or by email at nicholas.butcher@ewov.com.au.

Yours sincerely

A handwritten signature in blue ink that reads "Fiona McLeod". The signature is written in a cursive, flowing style.

Fiona McLeod
Energy and Water Ombudsman (Victoria)

Appendix

Overview of Trade Waste Cases Received by EWOV