

9 September 2019

Essential Services Commission  
Level 37, 2 Lonsdale Street  
Melbourne VIC 3000

By email: [edc.review@esc.vic.gov.au](mailto:edc.review@esc.vic.gov.au)

Dear Ms Symons,

**Re: Electricity Distribution Code Review – Issues Paper**

Thank you for the opportunity to comment on the Essential Services Commission's (ESC) *Electricity Code Review – Issues Paper (Issues Paper)*.

The Energy and Water Ombudsman (Victoria) (EWOV) is an industry-based external dispute resolution scheme that helps Victorian energy or water customers by receiving, investigating and resolving complaints about their company. Under EWOV's Charter, we resolve complaints on a 'fair and reasonable' basis and aim to reduce the occurrence of complaints<sup>1</sup>. We are guided by the principles in the Commonwealth Government's Benchmarks for Industry-based Customer Dispute Resolution<sup>2</sup>. It is in this context that our comments are made.

In the 2018/19 financial year, we received 3,366 distribution related complaints – representing 11% of overall complaints received by us over that period. Of those, by far the most common sub-issue was Provision>New Connection>Delay, which accounted for 491 cases – or approximately 14.5% of all distribution cases. We are conscious that the impact of Australian Energy Market Commission (AEMC) 'Power of Choice' rule changes in other States and industrial action in Victoria caused disruption for distributors in late 2017 and early 2018. A resulting lack of cohesion in business to business processes may have been a contributing factor in driving new connection delays (and therefore complaints), possibly up until August 2018, after which our distribution complaint figures flattened out - remaining low and relatively stable ever since. Even so, over the 2018/19 financial year provision matters generally accounted for 41% of all distribution cases - with supply being the next most common head issue at 30%.

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<sup>1</sup> See Clause 5.1 of EWOV's Charter: <https://www.ewov.com.au/files/ewov-charter.pdf>

<sup>2</sup> See EWOV's website: <https://www.ewov.com.au/about/who-we-are/our-principles>

Broadly speaking, this would suggest that there is significant scope to reduce distribution related cases simply by improving distributor and business to business processes, and enhancing customer service through greater engagement and higher service standards. While some matters, such as voltage variation and unplanned outages, can be beyond the control of distributors the provision of new connections should not be – yet remains a significant cause of consumer complaint. To put this in context, while Provision>New Connection>Delay was the most common sub-issue at 491 complaints, our next most common sub-issue was Supply>Variation>Damage/Loss, at 179, followed by Supply>Off Supply – Unplanned> Damage/Loss, at 157

As the Issues Paper notes, with energy consumers increasingly gravitating towards new and alternative forms of electricity generation (particularly residential solar panels), the management of the grid will become increasingly complex. To manage the transition to a more fragmented, decentralised electricity system, consumers will need to interact directly or indirectly via an aggregator, with their distributors to facilitate physical connection to the grid – and distributors will need to become increasingly customer focused as a result. Without a significant shift in service culture, (along with higher service standards met in interactions with end customers and other energy market participants), we are likely to see an increasing number of distribution related complaints.

Our further comments are set out below.

## **Customer Service Standards**

### ***Notifying customers during an unplanned power outage***

#### **1. Should we set an obligation on distributors to proactively contact vulnerable (such as life support) customers before a potential unplanned outage?**

Unplanned outages are a source of frustration and distress for customers, as represented by the 157 complaints received by EWOV in 2018/19. The impact of these outages is particularly great on vulnerable customers, as illustrated by the case study below:

#### **Arnold – 2018/22641**

Arnold lives in an outer north-west suburb of Melbourne, and is registered for life support equipment at his home. He experienced an unplanned outage in 2018 which lasted from 7pm to 2am.

At 2am, distributor employees attended his property to ensure supply had been restored.

The distributor employees checked Arnold's appliances and found the fridge had been broken, along with some other appliances including his speaker equipment (sub-woofer and amplifier). They advised his appliances would be replaced at like for like value.

Subsequently the distributor confirmed a voltage event had occurred when a tree branch fell on power lines. They agreed to compensate Arnold the full claimed amount for fridge/freezer repairs, a laptop adaptor, and a printer.

In relation to the speaker equipment, due to the age of the equipment (over nine years old) the distributor advised that parts were not available so they could not be repaired. They offered \$1,000 each for the amplifier and the sub-woofer, bringing the total compensation offer to \$2,644.

Arnold was not satisfied with this offer but as he was unable to substantiate that the speaker equipment held greater value, he accepted it.

As such, we consider that distributors should be required to alert vulnerable customers to potential unplanned outages, where these can be predicted based on weather conditions or other factors. An analogous notification is the severe weather warnings issued widely by the Bureau of Meteorology, which is then shared more broadly with public transport users across Melbourne.

Interference in systems by possums, for example, should be managed as part of their maintenance schedules. That being said, the customer service benefit of this requirements being extended beyond is vulnerable customers is clear. Distributors should be required to alert all customers in their zone to such events to allow all customers to make contingency plans. This is not an unreasonable requirement,

given that the Code already requires distributors to notify all affected customers of planned outages, and on the basis that asset management is likely to be informed by meteorology.

The most effective and practical form of notification is likely to be by text message; which distributors already use to notify many customers of planned outages. Additional systems for notification are also possible, such as via the media in the face of extreme weather events, and should also be considered.

While the minimum requirements of when such notifications should be sent will need to be determined through further consultation (in terms of the likelihood and expected duration of the potential event), EWOV supports the principle that distributors should be required to do more to notify customers of potential unplanned outages.

Distributors should also be required to ensure they have up-to-date records of customers in their zone who are dependent on Life Support Equipment, ensure those customers receive priority notification, and proactively work with those customers where possible.

## **2. How should we update the current obligation on distributors informing government departments of unplanned long outages?**

As the Issues Paper notes, current distributor practice exceeds the technical requirements of the Code. As a general principle, where this occurs efforts should be made to ensure the regulatory instrument reflects common practice. That being said, we do not receive complaints regarding this issue so have no further comment to make.

### ***Notifying customers of planned power outages***

## **3. What form of notification or engagement should be provided to customers by electricity distributors before a planned outage?**

The current Code requires distributors to provide all affected customers with at least four days written notice of a planned outage, specifying the expected date, time and duration of the interruption – and including a 24-hour telephone number for enquiries.<sup>3</sup>

While already common practice for distributors, the Code would be strengthened by explicitly requiring distributors to provide written notice of outages by both mail and text message.

Striking the balance between ample notice versus so much notice that it becomes forgotten is not a simple exercise, but one option would be to require early notice (for example, at least ten business days before the outage), and then further, follow-up, notice closer to the planned outage, such as the existing four business days' notice. This would give those customers who need to make alternative

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<sup>3</sup> Essential Services Commission, *Electricity Distribution Code*, clause 5.5.

arrangements more time to do so, and at the same time ensure that those customers who need it receive a further prompt closer to the time.

Beyond the form and period of notice, the Code could also require a brief explanation as to *why* the planned outage is occurring. In our experience, customers are more accepting of interruptions to their energy supply when they are given the context for the outage. The content of the notification, and indeed the tone and style, are important factors in managing customer experience and expectation.

Our case handling experience would suggest that distributors could be more proactive and more personable in how they communicate with their customers, particularly in relation to planned outages. When considering best practice for this, there may be some examples from the water industry to draw from.

#### **4. Should we impose a new obligation to notify customers of a cancelled or rescheduled planned outage?**

Yes. Depending on their circumstances, customers sometimes need to implement expensive contingency plans in response to a planned outage, which can lead to financial loss and frustration when the outage is then cancelled or rescheduled and they are not given ample notification. The case study below illustrates this point<sup>4</sup>:

##### **Phil - 2018/17025**

Phil is a self-employed allied health professional, running his business in a regional Victorian town.

In June 2018 Phil's distributor advised him that there would be an outage of several hours due to planned works. Phil shut his business on the day identified by the planned outage notice, as he cannot operate without electricity.

The day after the planned outage, Phil contacted his distributor to confirm that the works had been completed. He was advised that they had and no further works were scheduled. Two weeks later, Phil received a further notice of a planned outage for late July.

When he enquired about this further planned outage, Phil was told that the earlier planned works had not taken place and a further outage was therefore necessary to complete them.

Phil lodged a complaint and claimed \$1000 for loss of revenue due to the earlier, 'false alarm' outage.

Phil was advised that compensation was not payable as the distributor was within its rights under the Code to interrupt supply on both days, and under no obligation to advise that works had been rescheduled.

Phil received a \$200 payment as a goodwill gesture, and his case was closed.

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<sup>4</sup> Note: Customer names in each case study have been changed for de-identification purposes.

Given the Code already requires notification of planned outages, distributors should also be required to notify customers when that outage is then cancelled or rescheduled. In both cases, the purpose of providing notice is to allow customers to make contingency plans and generally stay informed regarding their energy supply. Again, this is important for maintaining positive customer relations and reducing the occurrence of complaints.

### ***Purpose of the guaranteed service level scheme***

## **5. Should the purpose of the scheme be redirected to address poor service or something else altogether?**

The guaranteed service level scheme fulfils an important purpose by compensating customers for the discomfort, inconvenience and potential loss caused by outages. It remains an important gesture connecting distributors directly to their customers, and is in line with customer expectations.

The need for such a scheme was highlighted in February 2018 when, following discussions with the State government, distributors agreed to provide a once-off \$5 million compensation package to customers affected by a 28 January 2018 blackout.<sup>5</sup> While these payments went above and beyond those required by the guaranteed service level scheme<sup>6</sup> they were made for the same reasons – as the distributors noted in a public statement on 11 February 2018:

*“We are sympathetic to people who lost power on that Sunday and importantly we recognise the inconvenience and discomfort this has caused our customers, particularly those who were without power for a sustained period of time.”<sup>7</sup>*

For the purpose of meeting customer expectations, it is important that the guaranteed service level scheme is maintained.

At the same time, guaranteed service level payments have become disconnected from their other major purpose, to act as an incentive to distributors to address the worst served.

This disconnect is problematic - it means that systemic issues may not be addressed as they could be. EWOV has received multiple complaints from areas of Victoria where systemic issues clearly exist, yet distributors are not sufficiently incentivised by guaranteed service level payments (or any other mechanism) to address the issue.

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<sup>5</sup> ABC News, *Compensation for Victorians who suffered power blackouts which ‘shouldn’t have happened’*, 11 February 2018. Available at: <https://www.abc.net.au/news/2018-02-11/compensation-for-victorians-who-suffered-power-blackouts/9420004>

<sup>6</sup> The Age, *Power companies forced to pay 5 million in compensation to Victorians hit by blackouts*, 11 February 2018. Available at: <https://www.theage.com.au/national/victoria/power-companies-forced-to-pay-5-million-in-compensation-to-victorians-hit-by-blackouts-20180211-h0vw21.html>

<sup>7</sup> United Energy Media Release, available at: <https://www.unitedenergy.com.au/electricity-network-businesses-announce-one-off-heat-relief-package/>

### **Gustav - 2019/7994**

Gustav runs a café in a popular Victorian tourist town. His business experiences frequent outages, often at night, for a variety of reasons including animal activity and tree damage. Despite assurances from his distributor that planned outages are scheduled to address supply issues, Gustav has continued to experience a high number of unplanned outages – eighteen across 2018, and twelve in 2019 so far.

Gustav believes the frequent outages damaged the motor in his freezer, which had to be replaced.

Gustav seeks compensation and wants the supply issues to be fixed. His case is ongoing.

Without returning price controls to the ESC from the Australian Energy Regulator (**AER**) it is difficult to see how guaranteed service level payments can be redirected to address this purpose. As the Issues Paper notes, they currently have no financial impact on distributors and exist as a straight pass through to customers.

One possibility to address this issue may be to liaise with the AER and propose that they include guaranteed service level payments in their measure of service performance, which is part of their service target performance incentive scheme and directly affects distributor revenue. This may reconnect guaranteed service level payments with their original purpose as an incentive scheme to address the worst served, at least to an extent. This is for the ESC to consider.

### **6. Are there other ways we should think about improving service levels for the worst parts of the network in the code?**

While the Code requires distributors to set reliability targets<sup>8</sup>, it does not link a failure to meet those targets to any consequence for distributors. One simple way to require distributors to address systemically poor areas of service may be to require them to take remedial action in any localised area where they fail their own reliability targets, or perhaps when they fail their own targets by a significant amount.

### **Henrietta - 2018/31008**

Henrietta complained to EWOV about a high number of unplanned outages in her area in regional Victoria. In handling Henrietta's complaint, we found that the distributor was not proposing to remedy the cause of the frequent outages. Instead, they simply maintained that they would make the required guaranteed service level payments.

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<sup>8</sup> Essential Services Commission, *Electricity Distribution Code*, clause 5.1

**Claude - 2018/17306**

Claude lives in an inner-city Melbourne suburb and experiences frequent planned outages every two or three months, usually on a Sunday, due to works being undertaken at a local school.

On their web-site, Claude's distributor advises that their target for loss of power due to planned outages is 75 minutes per customer per year. At the time he lodges his complaint, Claude had experienced 1,448 minutes' worth of planned outages in 6 months.

Claude's case closed with him receiving a \$200 goodwill gesture payment and an apology.

The practicality and detail of such an option is for the ESC to consider, but it does seem that using the reliability targets to identify and then require distributors to address areas of particularly poor service would have some merit.

***Guaranteed service level categories*****7. Is each payment category still fit-for-purpose in meeting the overall purpose of the guaranteed service level scheme?**

The current guaranteed service level payment categories effectively capture the need to compensate customers for the stress, inconvenience and potential loss of outages and unreliable supply – but as already discussed, they no longer appear to incentivise distributors to improve service to the worst served.

As discussed under question 5 above, one way to restore this nexus may be to liaise with the AER and propose that guaranteed service level payments be included in their measure of service performance, as part of their service target performance incentive scheme.

**8. Should customers receive a low reliability payment and a restoration payment?**

Yes, these payments are both necessary. Together they work to ensure positive relations between distributors and their customers.

In our experience with customers (as evidenced in the case studies above), guaranteed service level payments do work to partly mollify the discontent that can arise as a result of unreliable energy supply. We also note that a clear explanation as to why the disruption has occurred can also have a mollifying effect (depending on the perceived reasonableness of the explanation, of course). This is a simple step that could easily be taken by distributors, which may have a significant positive impact.

## **9. Are there new categories that we should consider including in the scheme?**

Our experience would indicate that the categories themselves cover the circumstances under which guaranteed service level payments should be necessary, and therefore we do not see the need for the introduction of additional categories.

Given the precedent of the one-off payment made in February 2018 (referred to in response to question 5 above), there may be some argument to re-visit the parameters triggering payments under the existing categories. This may be necessary if customer expectations have shifted to align with the circumstances under which that one-off payment was made, but this is something for the ESC to investigate and consider.

### ***Worst served customer principle***

## **10. Should we change our principle of worst served customer to capture systemic poor performance?**

A more nuanced approach to defining the ‘worst served customer’ is likely to identify localised areas of poor reliability more effectively than the ESC’s current approach, and would assist the ESC in devising a program to incentivise distributors to address systemically poor service. This in turn would be likely to reduce frustration for customers, and therefore reduce the occurrence of complaints.

Of the two alternative approaches presented in the Issues Paper, the Essential Services Commission of South Australia (**ESC-SA**) approach appears preferable to the AER approach. The AER measure of a customer who has experienced more than four times the network average in minutes without supply (unplanned) over a three-year period is quite narrow, and would exclude a large cohort of customers experiencing frustration and therefore likely to make complaints.

The ESC-SA measure of customers who have experienced twice the average annual unplanned minutes without supply over two consecutive years would be more likely to identify those receiving consistently poor supply, while still avoiding the risk of ‘false positives’ - potentially over-burdening distributors with unnecessary upgrade requirements.

### ***Guaranteed service level exclusions***

## **11. Are there any outage scenarios we should include or exclude from the scheme?**

Broadly speaking, there is benefit in harmonising with AER guidelines. On that basis adding exclusions for outages occurring at the direction of emergency services, and also for outages occurring through the exercise of a legislative obligation, right or discretion should be considered.

In both cases the general principle that distributors should not be held responsible for outages out of their control holds true.

On a related note, the ESC could investigate the operation of clause 16(c) of the Code, which is reproduced below:

*16(c) A **business customer** must take reasonable precautions to minimise the risk of loss or damage to any equipment, premises or business of the **business customer** which may result from poor quality or reliability of electricity **supply** or the **distribution system** operating under the **REFCL condition** in accordance with clause 4.2.2A.*

We have conciliated several matters where distributors interpret the phrase ‘reasonable precautions’ very broadly, and deny liability on that basis. Such cases are illustrated by the case study below:

#### **Aditya – 2018/28135**

Aditya owns a family run supermarket in suburban Melbourne, which experienced an unplanned outage for approximately 4 hours between 1pm and 5pm on Melbourne Cup Eve, 2018.

Aditya has a small generator to cope with unplanned outages, and everyone who works at the store knows how to run it. Unfortunately, the generator only runs for around 30 mins.

As a result of the outage at this busy time, Aditya estimated he incurred \$9,873 in losses due to lost takings and food wastage, and \$308 in repair costs to a damaged freezer. Aditya had business insurance but did not want to claim on it as he believed the outage was the fault of the distributor. The outage itself had been caused by an asset failure (power pole deterioration). Rather than claim with his insurer, Aditya sought compensation from his distributor.

The distributor denied liability for compensation, claiming that Aditya’s small generator did not constitute ‘reasonable precautions’ against loss. The power-pole in question had been maintained in accordance with the distributor’s cyclical five-year asset inspection plan.

The distributor offered Aditya \$308 as a goodwill gesture, to cover the cost of repairs to the damaged freezer.

A lack of definitive guidance around ‘*reasonable precautions*’ invites the risk of 16(c) being mis-used to avoid paying compensation for consequential loss when it should rightly be paid.

So, while there is an argument to include additional exclusions to the guaranteed service level scheme, there is also a need to examine matters where compensation is avoided by leveraging the broad wording of clause 16(c), and to consider whether the clause may need additional guidance, or amended wording.

## *Timeliness of payments*

### **12. Should we impose timeframes for guaranteed service level scheme payments?**

One major drawback of annual guaranteed service level payments and restoration payments is that they are linked to the NMI of the customer who has suffered the interrupted supply. This means that if a person moves house between the period of interruption and the following year when the payment falls due, that person does not receive the payment – the payment is instead directed to whoever is now connected to that NMI. From a customer relations perspective this is a poor outcome, and should be addressed.

To ameliorate the issue, payment should be made whenever a significant threshold is reached. For example, once a customer has experienced eight unplanned interruptions in supply they could be paid \$120 within a short, clearly stated time period. If that same customer then experiences a further four unplanned interruptions (making twelve in total) they could then receive a further \$60, to make up the \$180 due under the Code. This process could continue in line with the thresholds outlined under clause 6.3.2 of the Code.

Of course, there is complexity in this due to the interaction of the hours' threshold in relation to restoration payments. One way to address this would be to pay whichever threshold is reached first. For example, if a person has only experienced five sustained unplanned interruptions, but collectively they add up to more than 20 hours - then they would receive a \$120 supply restoration payment. They would not receive a further payment until they then hit the next threshold – either thirty hours of lost unplanned supply, or 12 unplanned interruptions. When they do, they would receive \$60 to make up the additional amount due for either of those thresholds (\$180). In this way, a customer would be receiving the same compensation they would receive under the annual payment system, but they would be receiving it much sooner. While this system would admittedly be more complex to administer, it would foster better relations between distributors and their customers and would ensure that payments are made to their intended recipients.

In terms of the timeframe that should be applied for making these and other payments, the Code's current formulation of *'as soon as practicable'* is too vague. A firmer time-frame, such as 28 days, or 15 business days should be applied. The exact time-frame is for the ESC to consider. Whatever it is, a clear time-frame would give customers certainty, and would greatly assist in the handling of complaints by making it clear when distributors have met their Code obligations, and when they have not, as well as what payment is required – and when it is due.

## **Technical Standards**

### ***Voltage standards***

**13. Should the commission review the distributor's voltage standards in the way distributors should manage voltage? In particular, we are seeking stakeholder feedback on the potential options for reviewing voltage standards, such as considering a 'best endeavours' approach or adapting the industry-recognised Australian Standard (AS 61000.3.100) for voltage management?**

It is clear that as the generation mix of the grid changes there will be a need to provide greater flexibility in the Code regarding voltage standards – at least in the short term, as we navigate a period of transition.

Adopting the Australian Standard (AS 61000.3.100), as South Australia and New South Wales have done (with Queensland in the process) is preferable to taking a 'best endeavours' approach because it provides more certainty. A 'best endeavours' approach is likely to cause disputation as 'best endeavours' are interpreted differently by various parties, requiring a greater degree of adjudication.

**14. What are the appropriate customer protections relating to voltage management that we should consider? In particular, we welcome stakeholder feedback on how any changes to voltage standards might interact with Electricity Guideline 11 – Voltage variation compensation.**

The *Electricity Guideline 11 – Voltage variation compensation (Guideline 11)* has not been amended since 2001, and will obviously require revisiting if voltage standards are amended.

If the Australian Standard (AS61000.3.100) approach (as discussed in response to question 13 above) is taken then the IPART proposal mentioned in the Issues Paper should be considered. Certainly, it will be necessary to ensure customers remain compensated for damage caused by excessive voltage – even if voltage standards have been made slightly more flexible to accommodate a more complex generation mix in the grid.

### ***Supply frequency***

**15. Is there a need to consider the management of frequency in micro-grids and stand-alone power systems? And is it appropriate for these standards to be considered in the Electricity Distribution Code?**

Yes. While micro-grids and stand-alone power systems are in their relative infancy in the Australian energy system, it is important that the Code anticipates growth in this area and implements standards to protect customers who will be receiving their energy from these systems.

The recent need to 'retro-fit' regulations to apply to embedded networks provides a salutary lesson on the difficulties that can arise when market practice outstrips the regulatory frame-work. Such situations leave customers exposed to poor practice and excessive cost, often in circumstances where they have

not necessarily chosen the technology - but have in some senses had it thrust upon them (such as buying into a property, and not necessarily being aware of the energy supply arrangements for that property).

To avoid this occurring in relation to micro-grids and stand-alone power systems, it is important that the Code puts standards in place to apply to those technologies.

### ***Minimum technical requirement for embedded generation***

#### **16. Should we consider expanding the existing standards to capture all embedded generation technology?**

Yes. This is important to maintaining consistency and reliability across the grid, and will only grow in importance as the mix of generation across the grid becomes more complex.

### ***Aggregation and other models***

#### **17. Aggregation is a new and evolving model in the energy landscape. What matters should we be taking into consideration? Are there other matters we should be taking into consideration for this topic?**

This is a very open question - but at a high level we are concerned that as aggregators increase their influence in the market, there should be equal opportunity to benefit across all customers and not just the highly informed and engaged. Further, there may be a need to require aggregators to become members of EWOV so that we may handle complaints against them, making dispute resolution services available to their customers.

Finally, as aggregators will have the capacity and influence to affect energy supply there will be a need to regulate their impact. The Code is the appropriate instrument to do that.

### ***Register of embedded generation***

#### **18. Should we retire our register and harmonise by requiring distributors to comply with the national register only?**

Provided the two registers are like for like in terms of the information they require and their accessibility, then harmonisation seems advisable on efficiency grounds if nothing else.

That being said, we are conscious that smart meters have far greater penetration in the Victorian energy market than in other parts of the NEM, and it is important that their functionality (and potential functionality), along with any benefits from their functionality, is maximised. It may be important to retain some degree of autonomy over a specifically Victorian register of embedded generation, so that additional information necessary for maximising outcomes from smart meters (as well as the pace of

change in Victoria deriving from smart meters), can be included if necessary. This is for the ESC to consider.

### ***Power factor***

#### **19. Should we review the power factor range and consider alignment with industry practices?**

As a general rule, if industry practice has out-stripped the regulatory framework then it is prudent to update the regulatory framework to reflect that practice. This is particularly so as we head into a transitional period of significant and rapid industry change. As far as possible, efforts should be made to ensure that all regulatory instruments are aligned with and able to accommodate changes in contemporary technology and industry practice. The Code is no different in that respect.

### ***Harmonics***

#### **20. Should we consider harmonising with the National Electricity Rule and adapt the Australian Standard (AS 61000.3.6) for harmonics? What may be the potential benefits and or issues with harmonising?**

This is beyond our technical expertise, and is for the ESC to consider. Our concern would be to ensure that any harmonisation results in a net benefit for customers and produces downward pressure on complaints.

### ***Negative Sequence***

#### **21. Should the negative sequence limits of the code be harmonised with the national limits? What may be the potential benefits and or issues with harmonising?**

This is beyond our technical expertise, and is for the ESC to consider. Our concern would be to ensure that any harmonisation results in a net benefit for customers and produces downward pressure on complaints.

### ***Code definitions***

#### **22. Are there any defined terms that you think are no longer correct or relevant that we need to address?**

We are not aware of any defined terms in the Code that are no longer correct or relevant.

#### **23. Should we align as much as possible and adopt national definitions set out in Appendix I? What may be the potential benefits or issues to align with the national definitions?**

Where possible, efforts should be made to harmonise with national definitions. This makes it easier for collaboration to happen smoothly between parties in different jurisdictions. It is difficult to see any down-side in taking such an approach.

***Further clause clarification***

**24. Are there particular clauses that stakeholders think need to be made clearer?**

Other than the use of the phrase *'reasonable precautions'* in clause 16(c) of the Code (discussed above in response to question 11), we are not aware of any particular clauses that require clarification. That being said, we do look forward to reviewing a draft of the updated Code.

We trust these comments are useful. Should you like any further information or have any queries, please contact Zac Gillam, Senior Policy and Stakeholder Engagement Officer, on (03) 8672 4285.

Yours sincerely



**Cynthia Gebert**  
**Energy and Water Ombudsman (Victoria)**