

MEMORANDUM OF UNDERSTANDING

ENVIRONMENT PROTECTION AUTHORITY VICTORIA (EPA)

and

ENERGY AND WATER OMBUDSMAN (VICTORIA) (EWOV)

April 2007

ENVIRONMENT PROTECTION AUTHORITY VICTORIA (EPA) ROLE

EPA aims to protect, care for and improve the environment in Victoria. It was established as a single agency to administer all aspects of pollution control through the enactment of the *Environment Protection Act 1970*. EPA oversees environmental issues and also administers the *Pollution of Waters by Oils and Noxious Substances Act 1986*, *National Environment Protection Council (Victoria) Act 1995* and other relevant regulations, State Environment Protection Policies (SEPPS) and Waste Management Policies (WMPs) across the following areas:

- Air
- Land and groundwater
- Noise
- Waste
- Water
- Resource efficiency.

ENERGY AND WATER OMBUDSMAN (VICTORIA) (EWOV) ROLE

EWOV is an independent, industry-based dispute resolution service. It was established in 1995, to investigate and facilitate the resolution of customer complaints about electricity providers, and its jurisdiction has since been extended to include gas, water and Liquefied Petroleum Gas (LPG). EWOV's Charter vests the Ombudsman with authority to receive, investigate and facilitate the resolution of complaints as specified in the Charter.

A CO-OPERATIVE APPROACH

In recognition of the need to avoid duplication of effort between EPA and EWOV and to ensure a consistency of approach by working together in achieving outcomes between them:


- EPA will refer to EWOV complaints and disputes of the kind referred to in EWOV's Charter that are received by EPA. An interruption to water supply for consumers is an example of the types of disputes and complaints that EWOV is better prepared to deal with, because it is not an issue concerning pollution control. Where necessary, EPA will obtain the complainant's consent before referring the complaint to EWOV;
- EWOV will refer to EPA, complaints:
 - that are outside EWOV's Charter but within EPA's statutory area of expertise and experience in dealing with environmental protection. A report of pollution pouring into a river is an example of the types of disputes that EWOV will refer to EPA;
 - which may constitute a breach of the Acts, Regulations or standards ('the regulations') administered by EPA; or
 - which raise systemic, or potentially systemic, practices or actions that:
 - * may constitute a breach of the regulations administered by EPA; and/or
 - * suggest the need for review of these regulations;
- EWOV will seek advice from EPA where the investigation of a complaint includes consideration of issues that are monitored by EPA and EPA's advice on the matter would assist in the resolution of the complaint. For example, EWOV has jurisdiction to investigate

complaints about odour in water (as a supply/provision issue). EPA's advice on standards in this area can assist the resolution of such complaints;


- In providing advice to EWOV in relation to a complaint, if EPA identifies any regulatory issues, then the investigation of that regulatory issue should proceed separately by EPA. EWOV will continue its investigation into the broader complaint where the matter remains within its jurisdiction. It will take EPA's advice on the regulatory matter into account in resolving the individual complaint. Each office is to provide regular updates of its investigation progress to the other;
- EPA and EWOV will develop referral protocols, direct points of contact and agreed timeframes to facilitate an efficient referral procedure;
- EWOV will provide reports to EPA concerning complaints received and investigated as they relate to issues monitored and regulations administered by EPA;
- EPA will, as part of its review of regulations relevant to EWOV's Charter, provide information on and opportunity for comment from EWOV;
- EPA will provide briefings to EWOV prior to the release of any amendment to regulations under EPA's mandate which are relevant to EWOV's Charter;
- EPA and EWOV will each cooperate in the preparation and distribution of material which has implications for the other. This material will be referred to the other for information and where appropriate for comment; and
- EPA and EWOV will provide information forums for staff where appropriate, covering roles, responsibilities and where instituted, amendments to regulation within its mandate.

This Memorandum of Understanding will be reviewed six months after implementation and thereafter from time to time when EPA or the Ombudsman sees this as appropriate.

Dated this day of 2007

9/5/2007


Signed on behalf of
the Environment Protection Authority
Mick Bourke
Chairman

23/4/07


Signed on behalf of the Energy and
Water Ombudsman (Victoria)
Fiona McLeod
Ombudsman