

MEMORANDUM OF UNDERSTANDING

ENERGY SAFE VICTORIA (ESV)

and

ENERGY AND WATER OMBUDSMAN (VICTORIA) (EWOV)

July 2006

Energy Safe Victoria (ESV) is an independent statutory authority and has been established as the single safety regulator for Victoria through the merger of the Office of the Chief Electrical Inspector (OCEI), and the Office of Gas Safety (OGS). ESV was established on 10 August 2005 through the enactment of the Energy Safe Victoria Act 2005.

ESV is, in accordance with this Act, responsible for electrical and gas safety in Victoria and for the Regulations and Codes of Practice contained in the list (Appendix A).

The Ombudsman's Charter vests the Ombudsman with authority to receive, investigate and facilitate the resolution of complaints as specified in the Charter.

In recognition of the need to avoid duplication of effort between the ESV and EWOV and to ensure a consistency of approach between them:

- ESV will refer to the Ombudsman complaints and disputes of the kind referred to in the Ombudsman's Charter that are received by ESV;
- the Ombudsman will refer to ESV, complaints:
 - that are outside the Ombudsman's Charter but within ESV's mandate; or
 - which may constitute a breach of regulation within the mandate of ESV; or
 - which raise perceived systemic practices or actions which may constitute a breach of regulations within the mandate of ESV, or may need to be addressed by way of amendment to these regulations.
- where a complaint appears to fall within the Ombudsman's Charter and may constitute a breach of the regulations ("statutory breach"), then the investigation of a statutory breach should proceed separately upon notification to either office of a complaint. The statutory breach investigation can form evidence on technical issues related to the customer service complaint. Each office is to provide regular updates of progress to the other.
- ESV and the Ombudsman will provide referral protocols and contact numbers to facilitate an efficient referral procedure;
- the Ombudsman will provide reports to ESV concerning complaints received and investigated as they relate to the mandate of ESV;
- the Ombudsman will, prior to the release of its complaints report, provide to ESV advance copies of the reports or where appropriate, confidential briefings in advance of the publication of those reports;
- ESV will, as part of its review of regulations relevant to the Ombudsman's Charter, provide information on and opportunity for comment from the Ombudsman;
- ESV will provide briefings to the Ombudsman prior to the release of any amendment to regulations under ESV's mandate which are relevant to the Ombudsman's Charter;


- ESV and the Ombudsman will each cooperate in the preparation and distribution of material which has implications for the other and this material will be referred to the other for information and where appropriate for comment;
- ESV and the Ombudsman will provide information forums for staff from time to time, covering roles, responsibilities and where instituted, amendments to regulation within its mandate;
- representatives of ESV and the Ombudsman will meet quarterly or as deemed necessary, to discuss matters of mutual interest, and in particular, the nature of complaints of relevance to ESV's mandate;


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

Interpretation

A reference to a document or a provision of a document includes an amendment or supplemented to, or replacement or novation of that document or that provision of that document.

Dated this 4th day of August 2006


.....
Signed on behalf of
Energy Safe Victoria
Ken Gardner
Director


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

Appendix A

Electricity

- The Code of Practice for Electric Line Clearance (Vegetation) 1999
- The Electricity Safety (Electric Line Clearance) Regulations 2005
- The Electricity Safety (Bushfire Mitigation) Regulations 2003
- The Electricity Safety (Network Assets) Regulations 1999
- The Electricity Safety (Installations) Regulations 1999
- The Electricity Safety (Equipment) Regulations 1999
- The Electricity Safety (Equipment Efficiency) Regulations 1999
- The Electricity Safety (Stray Current Corrosion) Regulations 1999
- The Electricity Safety (Management) Regulations 1999
- The Electricity Safety (Infringements) Regulations 2000
- The Code of Practice for Safe Electrical Work (Low Voltage Electrical Installations) 1997
- The HV Code of Practice 1999
- Victorian Electrolysis Code of Practice 2004

Gas

- The Gas Safety (Gas Installations) Regulations 1999
- The Gas Safety (Gas Quality) Regulations 1999
- The Gas Safety (Safety Case) Regulations 1999