



## Listen Assist Resolve

21 May 2014

Access to Justice Arrangements  
Productivity Commission  
LB2 Collins Street East  
Melbourne VIC 8003

By email: [access.justice@pc.gov.au](mailto:access.justice@pc.gov.au)

**Re: Productivity Commission 2014, *Access to Justice Arrangements*, Draft Report, Canberra**

Dear Sir/Madam

Thank you for the opportunity to comment on the Productivity Commission (the Commission)'s *Access to Justice Arrangements Draft Report* (the Draft Report).

As an industry-based external dispute resolution scheme, the Energy and Water Ombudsman (Victoria) (EWOV) provides alternative dispute resolution services to Victorian energy and water customers by receiving, investigating and facilitating the resolution of complaints. EWOV welcomes the Commission's Draft Report and thanks it for the consideration given to EWOV's submission<sup>1</sup> to the Issues Paper<sup>2</sup>, dated 29 November 2013. EWOV's comments are in response to the analysis of the role that ombudsmen and alternative dispute resolution services have in the delivery of fair and just outcomes and access to justice for the wider community.

EWOV is a founding member of the Australian and New Zealand Ombudsman Association (ANZOA) and supports ANZOA's submission to the Commission's Draft Report. The comments made in this submission are supplementary to ANZOA's response.

### **Information request 9.1**

Information about costs and systemic issues will be covered by a submission from ANZOA, which EWOV supports.

### **Draft recommendation 9.1**

EWOV supports the draft recommendations to improve the prominence of ombudsmen throughout Australia. In providing these comments, EWOV draws on the experience gained from our multi-faceted community awareness program. We have strong linkages to the community and consumer advocacy sectors to help promote EWOV's work, particularly with disadvantaged and vulnerable

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<sup>1</sup> [http://ewov.com.au/\\_data/assets/pdf\\_file/0010/9874/EWOV-comments-on-the-Productivity-Commission-Inquiry-into-Access-to-Justice-Arrangements.pdf](http://ewov.com.au/_data/assets/pdf_file/0010/9874/EWOV-comments-on-the-Productivity-Commission-Inquiry-into-Access-to-Justice-Arrangements.pdf)

<sup>2</sup> Productivity Commission Access to Justice Arrangements Issues Paper – retrieved 13 May 2014:  
<http://www.pc.gov.au/projects/inquiry/access-justice/issues>

energy and water consumers. The key elements in EWOV's community awareness and engagement program include:

- Distribution of a range of publications, all designed to maximise readability and convey accurate information in a straightforward way. The following publications are specific to awareness raising:
  - *Connect* - a quarterly newsletter sent to community, welfare and health service providers. This publication feeds information to assist these stakeholders in their work with clients who have electricity, gas and water issues.
  - Brochures about EWOV's process, common energy and water issues and a multilingual brochure outlining our availability and willingness to help.
  - 25 fact sheets covering the most common issues customers contact EWOV about.
- Participation with other agencies in programs and working groups to increase awareness of EWOV's role and processes, and current and emerging trends.
- EWOV's details are listed in community directories, on other ombudsmen's websites, on our scheme participants' websites and in various state and federal government resources.
- Development of a Customer Consultative Group – a formal mechanism for consulting and sharing information with the community sector.
- Maintenance of strong networks with financial counsellors and the community sector, e.g. participation in the Financial Counselling Australia External Dispute Resolution (EDR) Forum.
- Regular visits to metropolitan, regional and rural community groups and customers, including:
  - Bring Your Bills days and other community information days
  - presentations on common energy and water issues for consumers, particularly vulnerable customers, and the agencies that work with them.
- EWOV Open Days where financial counsellors, emergency relief workers and others find out about EWOV and get a practical, hands-on educational experience.
- Via the web with EWOV's website, [www.ewov.com.au](http://www.ewov.com.au), which includes:
  - an easy-to-use website with Google optimisation so it's easy for consumers to find
  - important information about how to lodge complaints with EWOV
  - 10 online videos which cover common energy and water issues
  - information for community agencies to assist with their work with clients
  - links to EWOV publications, fact sheets and posters.
- Social media presence, with regular Tweets about industry updates, EWOV's involvement at community events, and helpful tips about energy and water efficiency.

#### *Community awareness survey*

EWOV is about to undertake our five-yearly community awareness survey. Findings from our last survey in 2009 were that more than half (60%) of respondents stated they would contact an ombudsman to resolve an energy or water dispute. In 2009, total awareness of EWOV specifically was well over half (64%).

#### *Community roadshow*

Between September 2012 and May 2013, EWOV embarked on a community roadshow across Victoria to showcase what EWOV does and how we can help Victorian energy and water consumers. During these visits across metropolitan, regional and rural Victoria, EWOV spoke with about 820 community and volunteer workers from 163 different organisations to help them with their work with clients experiencing issues about energy or water.

### *Energy and water companies*

To help improve customer awareness about EWOV, energy and water companies have EWOV's details in complaint handling policies which are published on their websites. Additionally, Victorian energy and water companies are required to provide EWOV's details to customers who have:

- a complaint with the company which failed to be resolved via the company's internal dispute resolution (IDR) process
- received an imminent disconnection of energy, or restriction of water, supply notice.

### **Draft recommendation 9.2**

EWOV notes the Draft Report makes reference to the "ultimate formation of a national energy ombudsman" in the context of rationalising ombudsmen services. The question of a national energy ombudsman is a matter for the key stakeholders – industry, government and ombudsmen.

At this stage, there is limited support for a national energy ombudsman for reasons including:

- There are many issues to address in the energy industry, including extension of the National Energy Customer Framework (NECF) to all states and territories. These issues need to be resolved before any consideration of a national energy ombudsman scheme.
- While some states and the ACT have adopted the NECF, a number of states (including Victoria) continue to work within a state energy jurisdiction.
- Despite many states adopting the NECF, a number of energy ombudsmen retain some state jurisdictional responsibilities.
- The majority of the energy ombudsmen also have a state-based water jurisdiction.
- Current energy ombudsmen have different governance structures in that some ombudsman offices are state authorities, others are private companies.
- A detailed cost-benefit analysis would be required as it is not clear that the cost savings would be significant. For example, it may be most effective for a national scheme to have a head office with state and territory offices, similar to the Commonwealth Ombudsman model, with the associated costs.

We continue to support the current state-based model where the ombudsman offices are working well. Through the Australia & New Zealand Energy and Water Ombudsman Network (ANZEWO), the Ombudsmen are working on greater consistency in processes, approach and the like.

We trust the above comments are helpful.

Yours sincerely

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