

LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into Electricity Supply for Electric Vehicles

Melbourne – Friday 13 February 2026

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WITNESS

Catherine Wolthuizen, Ombudsman and Chief Executive, Energy and Water Ombudsman Victoria.

The DEPUTY CHAIR: I declare open the Legislative Council Economy and Infrastructure Committee's public hearing into the Inquiry into Electricity Supply for Electric Vehicles. Please ensure that all mobile phones have been switched to silent and background noise is minimised. I welcome any members of the public watching live via the broadcast.

I will also remind the witness all evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

For the Hansard record, can you please state your name and any organisation you are appearing on behalf of?

Catherine WOLTHUIZEN: Sure. I am Catherine Wolthuizen, and I appear on behalf of the Energy and Water Ombudsman Victoria.

The DEPUTY CHAIR: Thank you very much. I will just ask the committee members to introduce themselves, starting at the end.

Gaelle BROAD: Hi, I am Gaelle Broad, Member for Northern Victoria Region.

Katherine COPSEY: Katherine Copsey, Member for Southern Metropolitan.

The DEPUTY CHAIR: And I am Richard Welch, Member for North-Eastern Metro. Now I would like to invite you to make your opening remarks. Usually we would have a bit of a time constraint, but actually you can be as expansive as you would like to be.

Catherine WOLTHUIZEN: Thank you very much. And thank you, too, for the invitation to appear at this important inquiry. I would like to acknowledge the Wurundjeri people of the Kulin nations and pay my respects to elders, past and present and any Aboriginal people who may be in the room.

My name, as I said before, is Catherine Wolthuizen. I appear on behalf of the Energy and Water Ombudsman Victoria, where I am CEO and the Ombudsman. EWOV, Energy and Water Ombudsman Victoria, is a free and independent service that resolves disputes between Victorian consumers and energy and water companies. We are an industry-based body funded by members through a combination of levies and case-based fees. We work to ensure fair and reasonable outcomes when energy and water problems arise between consumers and their providers. We have been around for just shy of 30 years. In addition to resolving disputes, we also use our unique data insights about consumers' experiences of the Victorian energy and water markets to improve consumer and market outcomes through our engagement with businesses, government, regulators and the wider community.

In the time I have with you this afternoon I will tell you about our work, insights from our casework that highlight relevant consumer experiences of the market, and the importance of extending baseline consumer protections, including external dispute resolution, to help facilitate the take-up of EV ownership and ensure good consumer experiences and outcomes from those who do.

Just to give you a little bit more information about EWOV, in the 2024–25 financial year we received close to 20,000 cases in our existing jurisdiction, and this follows steady increases in overall case volumes over the past few years. We do expect to continue to see an elevated level of complaints to EWOV and potentially further growth due to a range of factors: world events that drive energy price volatility, affordability pressures that continue, new energy technologies that add complexity in markets, large-scale renewables projects that affect

communities, and consumers that struggle to access available supports from retailers. Behind every case that comes to us is a Victorian consumer or small business trying to navigate a complex and changing market.

I do want to call out affordability as a key challenge; I am sure that does not come as any surprise to you. Complaints about high bills are the biggest driver of cases to EWOV, making up around one in five cases, so it is a real sensitivity out in the community that we see reflected in our casework. When we look at what our casework tells us, what we see is that some providers are doing well, but others are missing opportunities to support their customers; that is where we step in to help secure fair and reasonable outcomes.

Why we care about this inquiry is because obviously we are part of the rapid change that is going on in energy and water markets, from renewable energy transformation to new technologies and service models of providers. Consumer energy resources such as rooftop solar batteries and EVs are becoming mainstream, empowering households and communities to actively participate in the energy market. EVs are an increasingly important part of this process, offering consumers potential to reduce energy bills as well as be part of transitioning to a clean energy future. As markets evolve, consumer protections must evolve with them to prevent harm and give consumers confidence to engage with innovative new products and services. We are committed to playing our part to help ensure fairness and transparency are central to this transition. This includes sharing those insights to show consumers experiences that arise as a result of any gaps that currently exist in consumer protections but also highlighting changes that we consider might be needed to better promote good customer outcomes to facilitate trust and confidence in the emerging market, all of which would support widespread adoption of EVs.

When we look at consumer experiences of CER, as we see from our casework today, including EVs, EV users do bring EV issues to EWOV at the moment, but our jurisdiction is somewhat constrained. We can handle a complaint about certain CER issues where the complaint is about a provider that is already required to be a member of EWOV, and our jurisdiction, as it currently stands, incorporates issues such as electricity accounts, including billing, connection issues and metering. It is wider than that, but these are particularly the relevant aspects of our jurisdiction for the purposes of this inquiry. Since June 2023, EWOV have received just over 40 cases where the primary issue involved an EV, so a relatively low number in terms of raw numbers, but given that we do not promote that jurisdiction, and we do not have an expansive or comprehensive jurisdiction in relation to EVs, it does tell us that consumers are looking around for somewhere to go and are finding us. Because we have the jurisdiction to deal with billing complaints, those cases that come to us that we can deal with tend to involve billing issues, and a major driver is higher-than-expected costs. In the context of EVs, this is commonly due to confusion about tariffs, especially peak- and off-peak periods, and what these cases tell us about the market is that EVs are becoming more and more integrated with traditional energy services, and that integration will become more important and potentially more risky as bidirectional charging expands and new issues related to installation, performance and functionality emerge.

Right now, the broader CER reform agenda acknowledges that CER consumers need stronger protections, but EVs and bidirectional charging are often left out or placed in the later stages of the process, despite the fact that we know there is enthusiasm and uptake happening now, and that can leave consumers exposed to increasingly complex risks and fragmented complaint pathways, which can undermine consumer confidence and slow uptake from what it could otherwise be. It also means that those who are generating problems and dissatisfaction in the market are not having to pay the costs of resolving that dissatisfaction or putting things right.

We understand the committee is considering ways to encourage more people to take up EVs. The rapid expansion of new energy products and services like EVs promises significant opportunities for emissions reduction, improved health outcomes and long-term consumer financial benefits but also creates new risks. From our perspective, extending baseline consumer protections to cover residential EV charging infrastructure and bidirectional charging services would de-risk decisions to take up these innovative products and services, so we encourage the committee to think about how consumer protections can promote confidence in EVs and related services and what role EWOV they might play in that.

We are also hearing from consumers, in addition to billing issues, about voltage variation impacts which may have caused EV damage or impacted the ability for consumers to safely charge their EV, as well as planned and unplanned outages which impact their ability to charge when they would like to. Connection issues are another common theme – delays in meter upgrades for home charging or situations where related technologies like solar inverters are not working properly.

But many EV-related issues fall outside our jurisdiction. Complaints about the sale, installation or use of new energy products and services, including many EV charging services, are not currently in scope. Most EV-related cases that fall outside of our jurisdiction relate to consumers experiencing problems with EV charging services. We are not able to derive a lot of information from these complaints because obviously we cannot look closely into them, but consumers do tell us about problems with installers, challenges accessing subscription-based charging services and providers simply not responding to queries. Where consumers come to us with these issues, we do help where we can. We will gather information to assess whether the issue falls within our jurisdiction and if not refer people to a different body, such as Consumer Affairs Victoria. Obviously, that does add to the consumer journey and potentially causes confusion and people dropping out of the process because they have not been able to come to us to get the issue resolved in an efficient way.

I will turn now to external dispute resolution and why it is a baseline consumer protection. When people know that if something goes wrong there is somewhere they can go for clear information and fair resolution, they are more willing to try new products and services. Without that protection, that kind of reassurance, consumers face uncertainty, and uncertainty will slow take-up, especially where the entry costs are high. This is true even where the technology is offering long-term financial or wider environmental benefits. In this context dispute resolution is a market enabler. When consumers know that an issue can be resolved quickly, fairly and at no cost to them, they are more willing to engage with new technologies and participate in the energy market. Both the Victorian and Commonwealth governments have recognised the need to strengthen consumer protections, including access to external dispute resolution to support the take-up of consumer energy resources. But as I have said previously, EVs and bidirectional charging are not at the forefront of this, and given how quickly the sector is evolving, we think this inquiry presents an important opportunity to bring EVs fully into the scope of emerging reforms.

EWOV is well placed to provide that external dispute resolution to EV consumers, drawing on our experience resolving complex energy disputes, identifying systemic issues and using our insights to influence better outcomes. Ombudsman schemes like EWOV are established, trusted sources of independent, fair and efficient dispute resolution whose core function is to generate and maintain public trust in the sectors they operate in. Among many benefits, EWOV can identify good industry practice, spot areas for improvement and identify emerging risks and trends. These insights are particularly critical in emerging markets like the EV market, helping policymakers and regulators adjust the framework as the market evolves and also quickly identify and address risks to consumers or the reputation of the market. Given how essential CER is becoming to Victoria's energy future and how integrated it is becoming in everyday energy supplies, it makes sense for CER products and services to sit within our scheme. We see it as a natural extension of the work we have always done to help Victorians maintain fair and reliable access to essential energy.

Ombudsman schemes have always evolved along with their markets. For example, what started up as an electricity-only jurisdiction has steadily expanded to cover gas, water and embedded networks. Each of these expansions has brought hundreds of new members and many more complaints into EWOV's scope. Our members recently supported changes to our charter, our operating terms of reference, to include products as well as services so that we are prepared to handle complaints about EVs as soon as policymakers introduce a requirement for providers to join our scheme. Over the past year we completed a major multiyear transformation, bringing together our casework, analytics and engagement functions, refreshing our vision and introducing an evidence-based complaint handling model that improves outcomes, timeliness and clarity for consumers and industry. We embedded this new model by identifying core issues early and helping parties resolve matters by agreement wherever possible, supported by clear guidance on what is fair and reasonable. In this way we are also able to ensure the scheme operates on a cost-effective and efficient basis.

We have invested heavily in building staff capability through structured training, coaching and practice-based learning to ensure consistent high-quality dispute resolution. I am confident that EWOV is well placed to evolve and act as a single point of contact for CER complaints, including for EVs, so consumers have trust and confidence in the market.

To wrap up these initial remarks I want to reiterate we are strong supporters of EVs and bidirectional charging as key parts of Victoria's clean energy future, which is why we want to ensure there are adequate protections in place for consumers who take them up. Thank you for the opportunity to join you today and share these insights, and obviously I am happy to explore any of the matters that I have raised or anything else that might be on the committee's mind in relation to EWOV and the work that we do. Thank you.

The DEPUTY CHAIR: Thank you very much. Thank you for those opening remarks. We will move to questions, and I might start with Mr McIntosh.

Tom McINTOSH: Sure. Thank you. Thanks for coming. Just as far as what is in scope and what is out of scope, let us start on the bidirectional charging. Effectively we are talking about consumer retail dealing with energy and electricity retailers. Where do you sit currently; remind me, and what could you do in that space?

Catherine WOLTHUIZEN: Look, if retailers are required under a licence issued by the ESC, they would be a licensed activity in the retail market and consumers can come to us with a complaint that relates to that licensed activity. If the activity is not currently covered by licence, as in the case with embedded network operators and a specific exemption to hold a licence, then consumers generally cannot bring the complaint to us. For bidirectional charging, if there is a related issue that does fall within our existing scope, like it has an impact on billing or it has an impact on supply or provision of supply – so it will depend on the complaint – there may be an opportunity for us to look at it. But in general what we are finding is as the market is evolving and new services and products are emerging, even where the retailer might be a member of us for other areas of their operation and activities in the retail market, if they are not currently required to be licensed to provide that activity, it will be more difficult for us to find the basis for us to deal with it as part of our existing jurisdiction.

Tom McINTOSH: Leaving installation and maintenance of the actual charger itself – the physical installation – I would have thought you were really only talking about retailers who are able to offer electricity in and out in bidirectional offers to the home. Therefore, would you not capture most retail deals? I want to expand this to areas I think you should expand to, but just to understand that first – given it does not exist, I do not expect you to necessarily know the answer to this, but I would have thought that bidirectional metering enabling consumers to sell into the market when it suits them and to purchase from the market when it suits them would be met mostly by Origin et cetera. We have got new players like Amber – I am not sure whether they sit under you.

Catherine WOLTHUIZEN: They do. They are members of our jurisdiction.

Tom McINTOSH: If they all do, on the bidirectional side you would have a large amount of coverage on the retail side of the electricity, yes?

Catherine WOLTHUIZEN: Sometimes, yes. We can deal with virtual power plant complaints, for example. Where it is in relation to consumers' understanding about contract terms or the way some aggregators are operating, often the way that will come in is because a consumer does not receive the savings or experiences a higher bill than they were expecting. If it comes in through the billing complaint channel, that is generally how we are dealing with matters involving EVs, in the same way that we might be dealing with them in relation to batteries. But more broadly and more consistently, if there is not a billing impact that a consumer would raise with us, we may be able to deal with it, but it is not as clear-cut. We would have to look at the circumstances of the complaint and the nature of what the consumer is complaining about.

Tom McINTOSH: I do want to come to charging on public charging infrastructure, because I think that is important. But what are examples of issues that consumers might have that do not sit within that retail scope?

Catherine WOLTHUIZEN: Well, installers is a clear one. The problems with how the EV chargers have been set up, difficulties accessing an EV charging subscription service, and poor customer service where providers –

Tom McINTOSH: Would that be similar to, say, solar and batteries, where poor solar installation falls outside of your scope?

Catherine WOLTHUIZEN: That is right.

Tom McINTOSH: And then who does that sit with? Is that almost –

Catherine WOLTHUIZEN: CAV would generally be the place we would refer people to. Obviously CAV has a very broad remit and is not set up to provide the same kind of individual investigation and resolution service that we do.

Tom McINTOSH: If we are going to be saying that – I mean, any charger, but bidirectional for the sake of this conversation – bidirectional batteries and solar complaints would be far better positioned with you than CAV, given the whatever 20-odd Acts of legislation they cover and lack of technical experience.

Catherine WOLTHUIZEN: I think the benefit is both the technical expertise, clarifying a consumer pathway, giving us visibility over the whole of a complaint, because at the moment a complaint may come to us and the fault or the error or the failing may arise in relation to a part of the complaint journey that does not fall within our jurisdiction, and also that kind of ‘polluter pays’ principle. Because we are a cost recovery from those who generate complaints, it is not being supported by the community as a whole or by the whole of the market; it is particularly those who generate dissatisfaction.

Tom McINTOSH: I think my colleague Mr Welch yesterday was starting to get to this point around the sometimes confusing or complicated nature of EV charging, given that we have got a number of retailers, or what do we call them?

The DEPUTY CHAIR: Charge point operators.

Tom McINTOSH: Charge point operators, thank you. It concerns me if mobile phone coverage is out. If someone’s phone is flat and they are 200 k from home and cannot access an EV charger, that is problematic. So I think from a consumer perspective, first of all, I do not know if you have put any thought to us having one app that then, once we are inside that, automatically picks out the point of contact for the charge. But are we going to end up at a point where consumers have 10 apps on their phone? I have probably got five or six apps on my phone to charge my car. It does get a little tiring at times.

Catherine WOLTHUIZEN: I have no more memory on my phone to add any more apps, so I entirely sympathise. That is probably less a question for us. It would be more that if we see any obligations put on providers in relation to availability and accessibility, we replace where consumers can come and seek to rely on any of those protections.

Tom McINTOSH: That might be one we take up elsewhere.

The DEPUTY CHAIR: We may have time to come back to you, Tom, again.

Tom McINTOSH: Thanks, Chair.

The DEPUTY CHAIR: Thank you. We will go to Ms Broad.

Gaelle BROAD: Thank you. Thank you very much for appearing this afternoon. One thing: did you actually proactively put in a submission, or were you invited to make a submission?

Catherine WOLTHUIZEN: I think we proactively put one in.

Gaelle BROAD: Okay. That is good. Just to clarify, what I am hearing you say is that you cannot investigate a number of these things. So is it something that you are –

Catherine WOLTHUIZEN: Seeking.

Gaelle BROAD: Seeking, yes, okay. And what is that barrier? What do you need? Is it state government direction to enable you to look at it? What specifically would have to change for you to be able to investigate these things?

Catherine WOLTHUIZEN: I mean, obviously there are various initiatives at state and Commonwealth level in relation to pursuing consumer protections in relation to CER. What we are concerned about is, for all that we absolutely support the priorities that have been identified and we are engaging with governments at both levels in relation to solar installation and a whole range of CER products and services, EVs tend not to be seen as an equivalent priority, whereas we are already seeing consumers come to us where we are able to deal with some aspects of their complaint. But we do recognise that we are limited in that regard and that consumers’ access to effective redress and access to someone who is able to assist them in that regard is limited at the moment. So it is, I guess, seeking to elevate the priority – the fact that it is a priority for your committee and you are looking at it with some focus. We wanted to make sure that the value of clear pathways to dispute

resolution and redress was part of your thinking and consideration, given that we do sit at the end of the chain, and obviously everybody hopes that providers in the market do the right thing and consumers get exactly what they need and expect out of their interaction with this part of the market. But the reality is that that does not always happen. You want consumers who do not get a good experience to be able to get that fixed quickly, both so that they get the right outcome and the reputation of the market is not damaged at exactly the time it is introducing itself to the wider community and seeking to promote uptake and also that regulators and policymakers are made aware very quickly of any issues, whether that is about bad actors or practices or gaps in consumer protection. It has been a longstanding practice of ombudsman schemes to really be very sensitive and attentive to those wider systemic issues, ensuring that we can raise them with the appropriate bodies so that something can be done about them.

Gaëlle BROAD: Obviously you cannot self appoint –

Catherine WOLTHUIZEN: No.

Gaëlle BROAD: so what is the process required? Is it legislation? Is it regulation? What is needed for you to change the parameters that, as the Ombudsman, you can look into?

Catherine WOLTHUIZEN: That is right. Look, there are a variety of ways you can do it. You can make it a regulatory obligation or a licensing or registration requirement that if you want to participate and sell these products, one of the conditions of your participation in this market is that you are a member of the relevant ombudsman scheme, which would be EWOV; we do hold the exclusive jurisdiction for energy and water in Victoria. So whether that is a licence that the ESC might issue and oversee or Energy Safe Victoria sort of licensing or other obligation, a condition of that is that you are a member, or you can do it in the way it has been done for embedded network operators, which is to say, ‘Look, you don’t have to be fully licensed, but a condition of you not having to be fully licensed is that you are a member of EWOV.’ So it is your kind of condition of entry and participation. Once they are in my jurisdiction, I can apply relevant law, industry good practice and regulation. And it is not just what the ESC might issue; I can look at the Australian consumer law; I can look at codes and commitments and contractual obligations that arise between consumers and providers. I do have good scope to quickly identify and deal with risks and harms and bring the parties together, ideally, to ensure that if there has been a problem or an omission it is rectified quickly.

Gaëlle BROAD: From your perspective, having looked at energy complaints, from a heat map perspective, are regional areas over-represented as far as complaints about outages or issues with energy go?

Catherine WOLTHUIZEN: Obviously we see outage issues, and most recently with storm activity we have seen that again. I would need to take that on notice just to make sure we are precise about what we see. I mean, obviously, where storms happen is where we will see more of that related activity. In terms of voltage variation, I am happy to take that on notice and come back to you.

Gaëlle BROAD: That would be great if you could. Thank you.

Catherine WOLTHUIZEN: I will say that in terms of mis-selling activity, I am aware that other organisations, such as the Consumer Action Law Centre, have done their own investigations into regional issues with CER. That is more in the solar installation space. But I think anywhere you see consumers enthusiastic to take up new products and services but with low levels of experience, you are always creating that risk that they will unfortunately encounter someone who is not as reputable as the majority of providers.

Gaëlle BROAD: Thank you very much.

The DEPUTY CHAIR: Thank you, Mrs Broad. We will move on to Ms Copsey.

Katherine COPSEY: Thank you. Did I hear in your opening remarks that you are advocating for further protections around electric vehicle manufacturers being members of your organisation?

Catherine WOLTHUIZEN: It was not that explicit. I have not gone into that detail in terms of who would be the most appropriate entity to be the member of the scheme. To the extent that EV manufacturers are selling direct to consumers, that may be a rationale for them to be subject to that obligation.

Katherine COPSEY: I do not think there is an equivalent for combustion-powered vehicles, like a specific ombudsman. Is that right?

Catherine WOLTHUIZEN: Yes.

Katherine COPSEY: Currently, issues relating to that would be disputes under warranty or through consumer affairs or something similar?

Catherine WOLTHUIZEN: That is right.

Katherine COPSEY: Right. Good to know. The query I have goes to some of the questions that I think Mr McIntosh was raising earlier around availability and servicing requirements for charge points. So it would be providers of that service that you would be looking to see brought within your scope as members?

Catherine WOLTHUIZEN: Well, we do currently have distributors, so DNSPs, in jurisdiction for their distribution activities, where they provide those services under licence. So we are able to take complaints around connection to supply provision, if there are cost implications related to activities they might undertake, their impact on consumers around maintenance of infrastructure and impact on landholders. We do have jurisdiction in relation to those providers of poles and wires already.

Katherine COPSEY: Yes. The charge point operators being newer entrants in the market are not captured currently.

Catherine WOLTHUIZEN: That is right.

Katherine COPSEY: So with complaints, have you received some complaints in relation to those services, or are they more around the household connection?

Catherine WOLTHUIZEN: I do not know that we have. I have got in my notes that consumers have had difficulties accessing EV charging subscription services. I do not know if that relates to the particular geographic availability, but I can certainly take that on notice and check those complaints.

Katherine COPSEY: I think it would if they were privately operated points, just to the point of someone being stranded and not having an avenue, although they would probably call RACV first. But that is good to know about the current limitation of scope. I am interested in your reflections around the rapidly emerging technology. A bidirectional charger, going back now to households, is in essence an appliance. Do you currently have scope over other commonly sold electrical appliances and retailers, or would that be a different expansion of your –

Catherine WOLTHUIZEN: That would be different. I think when we have engaged around potential jurisdiction – for example, for solar panel installation – this issue does come up. We have sought to draw the distinction between those that have the capacity to impact energy supply and reliability. Now, you can take the argument to its logical extension and say if your toaster fuses, it can impact your access to energy. But I think we are looking for something that is more fundamentally connected to your reliability of supply. We have drawn that distinction in the past. I think something like a bidirectional charger would, in our view, absolutely fall into that category because it is about facilitating electricity supply. So rather than being a toaster or a fridge or some other household appliance –

Katherine COPSEY: Yes, it is more a part of the network than just an end-use product.

Catherine WOLTHUIZEN: That is right, yes.

Katherine COPSEY: I am just interested, then: would you draw a distinction between a battery or a car that only is – this is hard, because the product might be capable of either just exporting to the household or exporting to the broader network. We are getting right down in the weeds of your jurisdiction here, but I am wondering how you have drawn that line. It sounds like the ability to impact supply is –

Catherine WOLTHUIZEN: Certainly there. This might be more of a consideration for you around – there are products and services that have the capacity to impact a household's access to an essential service, and where we see reasonable potential for that impact I think that makes a strong case for ensuring there is

sufficient and enhanced consumer protection, including a pathway to dispute resolution. Obviously, separate to that, there are strong public policy imperatives behind supporting trust and confidence in new CER and CER-related technologies. The Energy and Water Ombudsman and other ombudsman schemes have always been a critical part of sustaining trust and confidence in new products and services. So I think it is sometimes potentially less about: is someone's supply of electricity going to be affected if this product malfunctions? But do we want to de-risk the take-up of this new technology, because it serves a broader public purpose, and to what extent can Energy and Water and enhanced consumer protections facilitate that?

Katherine COPSEY: Great. Thank you.

The DEPUTY CHAIR: Thank you. I think I am going to keep revisiting the jurisdictional part of it, sorry. It will overlap with the previous questions, so forgive me for that. Just for clarity, we have heard a lot of information about the DNSPs on time to connection, which superficially sounds like something you would be charged with. But that is not classed as a retail protection that you would manage?

Catherine WOLTHUIZEN: Oh, no, people can certainly complain to us about connection. Now, is this about the backstop?

The DEPUTY CHAIR: The case study would be the council applies to have a charging point installed and the time to connection is a ridiculous amount of time or the cost of connection seems disproportionate or there are reasons why maybe in other settings someone would complain about their service.

Catherine WOLTHUIZEN: I think the issue would be more there about who was doing the complaining rather than what they were complaining about, because certainly at the moment we do take complaints about delays in connection or costs of connection or problems with connection. If the example is councils, I think they would be able to bring a complaint to us.

The DEPUTY CHAIR: But they have not? No councils have brought –

Catherine WOLTHUIZEN: Not that I am aware of. No.

The DEPUTY CHAIR: Wow – because they have got lots of complaints.

Catherine WOLTHUIZEN: It may be that they can engage directly with those businesses and they do not need the ombudsman given their size.

The DEPUTY CHAIR: Okay. That is very interesting if that is a route and not one of them has mentioned that. Given the extent of the degree of frustration they have expressed, it seems actually odd.

Catherine WOLTHUIZEN: Yes.

The DEPUTY CHAIR: Obviously you deal with water services and now we have electrical services. Are there any obvious inconsistencies between the two in how the two are managed or the jurisdictions or the controls you have over them?

Catherine WOLTHUIZEN: Look, it will vary because obviously they are regulated. There will be differences.

The DEPUTY CHAIR: It is not quite apples to apples, but to the degree to which it is a key service – it is a distribution of something.

Catherine WOLTHUIZEN: Obviously water is regulated under separate instruments to electricity and gas and distribution services, and so different obligations will apply. There are some areas where there is harmonisation of obligations in the separate retail markets. And obviously we can look beyond regulation in terms of individual cases to identify the fair and reasonable outcome and look to what we consider to be appropriate for the circumstances of an individual complaint. That might be looking at industry good practice. It might be, depending on the nature of the complaint, looking across at how other utilities markets and services are regulated and applying what we think is appropriate.

The DEPUTY CHAIR: Yes. The regulations under which DNSPs are governed are variable. We have learned today you can vary them. Is that something the ombudsman's office would make recommendations on if you saw a trend or something of that nature?

Catherine WOLTHUIZEN: Yes. I think the last time the distribution code of practice was reviewed we made a submission to that and engaged with the ESC in relation to that. I engage regularly, as do my staff, with the DNSPs about issues that we might see. In relation to the storm-related outages last year we participated and contributed to the inquiry and recommendations that came out of that. It is quite a substantial area of activity for us across all of the aspects of our jurisdiction to, as quickly as we can, surface potential systemic issues and raise them in the appropriate forum.

The DEPUTY CHAIR: Major utilities trend towards monopolistic because of economies of scale and things like that, so there is a reason why they do. Are you sensitive to, and what is your experience in being attentive to, monopolistic practices or creeping monopolistic behaviours? Is that something that your office is experienced in or has a watch over?

Catherine WOLTHUIZEN: I mean, it would not be our starting point, I do not think. We are not part of the competition regulation framework. But where we see adverse impacts on consumers from those practices, for example, consumers complaining about high costs or poor practices that may relate to a provider having a monopoly, that may be a root cause or a contributing factor that we would identify in that.

The DEPUTY CHAIR: I mean, I guess it is more a competition question, isn't it, rather than a practice of competition, but there is some sort of –

Catherine WOLTHUIZEN: Yes. And I should say we would also probably highlight that where we do deal with issues arising where there is monopoly provision, we will emphasise the fact that consumers are not able to choose an alternative provider and therefore the expectations and obligations on whoever holds that monopoly need to be reflective of the consumer exposure and difficulties in avoiding harm.

The DEPUTY CHAIR: Yes. Were the additional jurisdictions to be granted subject to review at this point – I guess this is a bit of a chicken-and-egg question – would you have the resources? Or what additional budget or headcount or whatever it is would you need?

Catherine WOLTHUIZEN: We are a cost recovery scheme, so our members pay the cost of the scheme. When we have looked at CER jurisdiction, what we have suggested to government is that there be some startup funding, and that is mainly to, I suppose, reduce the cost burden on providers in the market, especially where they are smaller, to, while we set up and establish the jurisdiction, do that onboarding of new staff, do the work to develop internal resources such as guidance and also do training and onboard new members into the scheme. So there are some startup costs associated with new jurisdictions. If you are talking about large providers coming into the scheme, there is probably more scope there to recover that at an earlier basis, but when it is lots of smaller providers, we are conscious of the impact of startup levies on those smaller providers. But in general the way the scheme operates is all the members pay. They pay a small fixed levy each year, and that depends on the size and how many customers they have, and then they will pay case fees – case-based fees. The idea is that if you generate a lot of dissatisfaction in your market, you will pay a proportionate amount towards the cost of resolving that.

The DEPUTY CHAIR: I think that is it. Do you –

Tom McINTOSH: I might grab another one.

The DEPUTY CHAIR: Yes, I will just pass back to Mr McIntosh.

Tom McINTOSH: I am going to follow on there. It was good to get back on the DNSP. Consumers of, let us say, retail electricity – I presume they will have it on their bill, and they can reach out to the Ombudsman if they need to?

Catherine WOLTHUIZEN: Well, they do now. As of 1 February that is correct.

Tom McINTOSH: Oh, okay. That is good. So if I am looking to build a house and I engage the DNSP or if I am looking to build an EV charging station, will that DNSP initial contact letter, letter of offer et cetera have your contact details there?

Catherine WOLTHUIZEN: I would not think so. I will need to go back and check this, but I think it is just energy retailers who are required to put our details on the bill, not DNSPs.

Tom McINTOSH: So you said when – I wish we had a shorter acronym. Let us just call them Ds.

Catherine WOLTHUIZEN: Yes, we just call them distributors.

Tom McINTOSH: Yes. It is the ‘s’ on the end that makes it hard. When you get complaints about them, is that normally during storm events? How do people find their way to complain to you about a DNSP if a new connection is not really alerted to you guys? For example, local government areas have all sounded like they have had problems – and through no fault of your own. Monopolies probably – the big retailers probably suit you because everyone knows how it all works. But with these emerging items or things where it is a one-off – you do not go to a DNSP regularly to get your house built because you do it once in your life.

Catherine WOLTHUIZEN: No. That is right.

Tom McINTOSH: So what do you think of the opportunities to build in that knowledge, for anyone looking at installing a new charger with new infrastructure, that they can come to you?

Catherine WOLTHUIZEN: Oh, I think absolutely it is finding the right point in that engagement to alert the consumer that we exist – that first of all they can raise a complaint with the DNSP, and that should be happening anyway, and then if they are not satisfied with the outcome they can come to EWOV and we are fair and free and independent and we will look at their complaint for them. So as is the case in other markets, like financial services, there are very good, robust practices and obligations around notifying consumers of the existence of an independent ombudsman – that they are right to go to them and of how to reach them – and I do think there is there is ample opportunity in energy to more consistently do that. It is very pleasing to see the introduction of the obligation on energy retailers this month. We would like to see that obligation rolled out more widely.

Tom McINTOSH: The final question, if I could, is just – over the decades, I think we have seen, hopefully, the improvement of banks, telcos, energy retailers and toll road operators in the way they treat customers and hardship, and all these sorts of things, and the service they provide. From the feedback you get and your engagement with DNSPs, how would you rate their behaviour and response to complaints comparatively to other industries or sectors?

Catherine WOLTHUIZEN: Look, I think there is wide variation across both the energy retail market, water and distribution. So I would be reluctant to make a sweeping statement –

Tom McINTOSH: Happy for you to take that on notice if you want.

Catherine WOLTHUIZEN: Yes, happy to take it on notice.

Tom McINTOSH: Okay, because that could be really interesting for us, I reckon.

The DEPUTY CHAIR: I think it is a good way to benchmark. Did you have a question?

Katherine COPSEY: My question was, in addition to your dispute resolution function, do you have a community education function, yes?

Catherine WOLTHUIZEN: Yes, we do. We have an outreach program, that is right.

Katherine COPSEY: Yes, great. Is that similar to consumer affairs in terms of ‘know your rights’, or is it to help people navigate disputes? Do you try and get ahead and make sure that people understand how systems work and have access to resources before they engage with the product, and with these emerging tech items, do you think you have got capacity to deliver that function as well?

Catherine WOLTHUIZEN: I would say our consumer education – in relation to products and services, there is absolutely information on our website. We do not focus so much on that in terms of community education or a kind of literacy program approach. Our outreach is very much more targeted at providing assistance to consumers in vulnerable circumstances. So we work in partnership with community organisations like Westjustice and South East Community Links, where we will go and do ‘bring your bills days’ alongside providers, other community organisations and other ombudsman schemes, so that people who need our assistance are able to more readily access us, and we can provide referral, triage and take complaints. We also offer a ‘no wrong door’ and enhanced care support service as well, for people who do come to us outside of that outreach activity, where we will both seek to assist them with any energy complaint or water complaint that they have, but also try to provide them with warm referrals, more holistic support if they have got more chronic factors for vulnerability or wider needs.

Katherine COPSEY: Great. Thank you.

The DEPUTY CHAIR: I have got one last question. In fairness to the DNSPs, they have not had an opportunity to give evidence yet, and we have heard evidence all one way and I think they will have their right to say so. But on the basis of what we have heard to date, their processes, justifications and explanations of delays are very opaque. There may be commercial sensitivity reasons – no-one could explain the reasons for this. Would you, as an office, have the right powers to break down that opaqueness in your considerations, or would that require other powers?

Catherine WOLTHUIZEN: We will do it on a limited basis through individual complaints. So if a consumer comes to us with a complaint about a delay, we will seek information from the provider to validate if there was a delay, and if so what were the causes of it, and does that fall foul of any obligations or commitments, and if so what needs to be done to put it right. That is the standard approach. So we will elicit information from the provider as part of that process. Through our systemic investigations function, we can then look – if we see a hotspot for us to look at more closely, we can look at it and ask for further information from the business about, ‘This appears to be a particular driver of complaints to the service. What is going on? Can you explain more?’ Then we will often engage with the business to try and identify how they can improve their practices – maybe if they are an outlier in relation to good industry practice, we can draw on good practice we might see elsewhere to inform them about that. If we consider that there is a regulatory or compliance dimension to that, we will also engage with the Essential Services Commission and bring it to their attention as well.

The DEPUTY CHAIR: Thank you very much. No other questions?

Tom McINTOSH: The only thing I would round off on again is I think we will have the DNSPs come in in about a fortnight, so if there is any further information about complaints you have received, if possible – no worries if not, but if there is anything you would like to bring to our attention before then – that is probably something that could be helpful.

Catherine WOLTHUIZEN: Absolutely.

The DEPUTY CHAIR: Thank you very much. Thank you to the witness for her contribution. All broadcast and Hansard equipment must be turned off now, and we will conclude today’s session.

Committee adjourned.