

Our ref: EWOQ/19/0237

Your ref: 64737

6 January 2020

Mr Michael Drake
Electricity Markets Branch
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

Dear Mr Drake

ACCC guidelines on the Prohibiting Energy Market Misconduct Bill

Thank you for the opportunity to make a submission on the development of the ACCC guidelines on the Prohibiting Energy Market Misconduct Bill (the Bill).

Background to the Energy and Water Ombudsman Queensland (EWOQ)

EWOQ provides a free, fair and independent dispute resolution service for small electricity and gas customers across Queensland, and water customers in South East Queensland, who are unable to resolve a dispute with their supplier.

In principle, EWOQ welcomes the introduction of the Bill which provides a legislative framework consisting of new prohibitions and remedies for the electricity retail, contract and wholesale markets. As an Ombudsman scheme, we are supportive of any proposal aimed at improving outcomes for energy consumers and note the proposed prohibitions have the potential to benefit energy customers by ensuring retailers pass on reductions in costs and penalising corporations for unfair, deceptive or fraudulent market conduct.

EWOQ further endorses the development of a guideline to outline the ACCC's approach to the interpretation and enforcement of the prohibitions. Whilst EWOQ has no direct feedback on the consultation questions, we suggest that any guidelines or supporting materials be drafted in a manner that provides clarity to stakeholders about the new prohibitions and the range of available remedies in a manner which is concise, free of ambiguity and jargon free. Key concepts, such as those identified in question one of the consultation questions, should be defined in the context of the electricity industry with relevant examples, where applicable, to establish clear jurisdiction and ensure clarity of processes. The guideline should further provide detailed information on the processes the ACCC is empowered to undertake to identify possible breaches and subsequently determine and enforce the relevant remedial action.

Thank you for the opportunity to contribute to the development of the guidelines. If you require any further information regarding our submission, please contact Miss Jonnita Gillam, Principal Policy Officer on 07 3087 9404 or jonnita.gillam@ewoq.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jane Pires', written over a faint circular stamp or watermark.

Jane Pires

Energy and Water Ombudsman