



20 December 2023

Director
Consumer Policy Unit
Market Conduct and Digital Division
Treasury
Langton Cres
Parkers ACT 2600

Submitted via email: consumerlaw@treasury.gov.au

Dear Director,

Submission on draft legislation on a designated complaints function

Thank you for the opportunity to comment on the draft legislation to implement a designated complaints function with the Australian Competition and Consumer Commission (ACCC).

The comments contained in this response reflect the views of the Energy & Water Ombudsman NSW (EWON), Energy & Water Ombudsman Queensland (EWOQ), Energy & Water Ombudsman South Australia (EWOSA) and Energy and Water Ombudsman VIC (EWOV). We are the industry-based external dispute resolution schemes for the energy and water industries in New South Wales, Queensland, South Australia and Victoria.

We are supportive of a designated complaints function within the ACCC for consumer and small business advocates. Empowering these groups to report evidence-based significant or systemic issues is a welcome addition to the consumer safeguards framework. We see this as a complementary function to the systemic issues referral process the Energy and Water Ombudsman schemes undertake. Our schemes identify and refer potential systemic or significant issues to the relevant regulator/s and welcome constructive engagement on what we are observing.

These referrals are treated seriously by the Regulators as they understand the efforts and focus of our schemes to conduct high quality data reviews, communications with the parties involved and consideration of other cases when considering these issues. It also improves understanding and shows the contribution that an Ombudsman scheme delivers beyond dispute resolution of individual cases. An example of this work by the Energy and Water Ombudsman New South Wales is attached via this link [Challenges in the new world of switching energy providers - Energy & Water Ombudsman NSW \(ewon.com.au\)](#).

In the current market consumer expectations and risks are also changing rapidly. The introduction of this function could further support information and action that can be taken to inform and assist consumers expediently, without waiting for the change in regulation or law to enable this to occur. This could increase consumer confidence more broadly and reduce hardship and vulnerability.

If you require any further information regarding our submission, please contact Dr Rory Campbell, Manager Policy and Systemic Issues (EWON) on [redacted], Mr Jeremy Inglis, Manager Policy and Research (EWOQ) on [redacted], Mr Antony Clarke, Policy and Governance Lead (EWOSA) on [redacted] or Mr Ben Martin Hobbs, Policy Insights and Engagement Manager (EWOV) on [redacted].

Yours sincerely,

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