

Appendix A: Disclosures index

Our annual report is prepared in accordance with all relevant Victorian legislations and pronouncements. This index page facilitates the identification of the commission's compliance with statutory disclosure requirements, including financial reporting directions (FRD) and standing directions (SD).

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| FRD 22H | Application and operation of the Protected Disclosure Act 2012 | 96 |
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| Carers Recognition Act 2012 | | N/A |
| Victorian Industry Participation Policy Act 2003 | | 95 |
| Financial Management Act 1994 | | 60 |
| All other legislation | | 97 |

Appendix B: Disclosures

Advertising expenditure

We had no advertising campaigns with a media spend of \$100,000 or greater.

Building works

We did not have any buildings under our direct control and are exempt from notifying our compliance with the building and maintenance provisions of the Building Act 1993.

Consultancies over \$10,000

We engaged 21 consultancies at a total expenditure of \$818,872 (excluding GST). View details of individual consultancies at www.esc.vic.gov.au/annual-reports.

Consultancies under \$10,000

We engaged three consultancies at a total expenditure of \$17,950 (excluding GST).

Diversity and inclusion

We strive to create an environment that supports a diverse, inclusive and flexible workforce. We reviewed our recruitment materials on a number of occasions throughout the 2017–18 year to encourage a more diverse applicant pool.

We also celebrated the diversity of our employees with recognition or events held for National Reconciliation Week, IDAHoBIT day, Harmony Day and Wear It Purple Day.

Our Empowered Women's Network and our pride network continue to grow and work with the organisation to ensure our practices are inclusive.

In 2018–19, we had two staff members (1.7 percent of employees) who self-identified as Aboriginal or Torres Strait Islander.

Employee relations

We are committed to ensuring that employee relations matters are treated fairly and promptly, and that employees are aware of our grievance processes. This year we rewrote our grievance policy and replaced our sexual harassment and bullying policy with a new fair workplace treatment policy. These new policies are supported by procedure documents. All staff were invited to comment on these new policies.

No employee time was lost in 2018–19 due to industrial disputes and no formal grievances were lodged.

Employment and conduct principles

We are committed to applying merit and equity principles when we appoint employees. Our selection processes ensure that applicants are assessed and evaluated fairly and equitably on the basis of the key selection criteria and other accountabilities.

We have correctly classified our employees in workforce data collections.

Ex-gratia payments

There were no ex-gratia payments in 2018–19.

Local Jobs First Act 2003

The Local Jobs First Act 2003, introduced in August 2018, brings together the Victorian Industry Participation Policy (VIPP) and Major Project Skills Guarantee (MPSG), policy which were previously administered separately.

Departments and public sector bodies are required to apply the Local Job First policy in all projects valued at \$3 million or more in Metropolitan Melbourne or for statewide projects, or \$1 million or more for projects in regional Victoria.

We did not commence or complete any such procurements in 2018–19.

Major contracts

We awarded no major contracts greater than \$10 million during 2018–19.

National Competition Policy

We complied with the National Competition Policy, including compliance with the requirements of the policy statement Competitive Neutrality Policy Victoria and any subsequent reforms.

Occupational health and safety

We continued to promote occupational health and safety through a range of measures in 2018–19, including our occupational health and safety policy, health and safety representative and an OH&S committee, which meets quarterly. We had no WorkCover claims in 2018–19.

| Workcover statistics | 2018–19 | 2017–18 |
|-----------------------------|----------------|----------------|
| Claims during 2018–19 | 0 | 1 |

Private interest declarations

Declarations of private interests were completed by relevant officers in 2018–19. New employees were required to complete declarations prior to commencement.

Appendix C: Appeals, notices and determinations in 2018–19

Appeals lodged under the Essential Services Commission Act 2001

One appeal was lodged under Section 55 of the Essential Services Commission Act 2001 during the 2018–19 financial year. The appeal was later withdrawn by the applicant.

Disclosures issued under the Essential Services Commission Act 2001

Section 38 of the Essential Services Commission Act 2001 allows us to disclose, under specified circumstances, information or the content of a document given to us under the Act. No disclosures were made by the commission under section 38 during 2018–19.

Inquiries conducted under the Essential Services Commission Act 2001

Part 5 of the Essential Services Commission Regulations 2011 requires us to report on the outcomes of any public inquiries we conducted after consultation with the minister responsible for the commission.

We did not conduct any public inquiries in 2018–19.

Notices issued under the Essential Services Commission Act 2001

Section 37 of the Essential Services Commission Act 2001 empowers us to obtain information or documents that may assist in the performance of our functions. No notices were issued under section 37 during 2018–19.

Price determinations issued under the Essential Services Commission Act 2001

Price determinations made under section 33 of the Essential Services Commission Act 2001 in the 2018–19 financial year included 1 price determination for maximum fares for unbooked commercial passenger vehicles from 1 October 2018.

Third party access regime determinations under the Essential Services Commission Act 2001

Regulation 10 of the Essential Services Commission Regulations 2011 requires us to report on the outcomes of third-party access regime determinations we make under part 3A of the Essential Services Commission Act 2001.

There were no third party access determinations made under Part 3A.

Appendix D: Our compliance with the Protected Disclosure Act 2012

The Protected Disclosure Act 2012 encourages and assists people in making disclosures of improper conduct by public officers and public bodies. The Act provides protection to people who make disclosures in accordance with the Act and establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

We do not tolerate improper conduct, nor the taking of reprisals against those who come forward to disclose such conduct. We are committed to ensuring transparency and accountability in its administrative and management practices and support the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

We will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person who is the subject of the disclosure to the extent it is legally possible.

Reporting procedures

Disclosures of improper conduct or detrimental action by us or any of our employees may be made to the Independent Broad-Based Anti-Corruption Commission:

Level 1, North Tower, 459 Collins Street
Melbourne, VIC 3000
Phone: 1300 735 135
Internet: www.ibac.vic.gov.au

Email: see the IBAC website for their secure email disclosure process, which also provides for anonymous disclosures.

More information

You can request our protected disclosure procedures for the protection of persons from detrimental action by us or any of our employees and/or officers.

Appendix E: Legislation and freedom of information

Legislation

Our main piece of legislation is the Essential Services Commission Act 2001.

Other legislation related to our work includes:

Accident Towing Services Act 2007

Commercial Passenger Vehicle Industry Act 2017

Electricity Industry Act 2000

Gas Industry Act 2001

Grain Handling and Storage Act 1995

Local Government Act 1989

National Electricity (Victoria) Act 2005

National Gas (Victoria) Act 2008

Port Management Act 1995

Rail Management Act 1996

Victorian Energy Efficiency Target Act 2007

Water Act 1989

Water Industry Act 1994.

Freedom of information

The Freedom of Information Act 1982 allows the public a right of access to documents held by the commission. The purpose of the Act is to extend as far as possible the right of the community to access information held by government departments, local councils, ministers and other bodies, such as the commission, who are subject to the Act.

An applicant has a right to apply for access to documents held by the commission. This comprises documents both created by the commission or supplied to the commission by an external organisation or individual, and may also include maps, films, microfiche, photographs, computer printouts, computer discs, tape recordings and videotapes.

Information about the type of material produced by the commission includes:

a statement that declarations of pecuniary interests have been duly completed by all relevant officers

details of shares held by a senior officer as nominee or held beneficially in a statutory authority or subsidiary

details of publications produced by the entity about itself, and how these can be obtained

details of changes in prices, fees, charges, rates and levies charged by the entity

details of any major external reviews carried out on the entity

details of major research and development activities undertaken by the entity

details of overseas visits undertaken including a summary of the objectives and outcomes of each visit

details of major promotional, public relations and marketing activities undertaken by the entity to develop community awareness of the entity and its services

details of assessments and measures undertaken to improve the occupational health and safety of employees

a general statement on industrial relations within the entity and details of time lost through industrial accidents and disputes
a list of major committees sponsored by the entity, the purposes of each committee and the extent to which the purposes have been achieved
details of all consultancies and contractors including:
consultants/contractors engaged
services provided
expenditure committed to for each engagement.

The Act allows the commission to refuse access, either fully or partially, to certain documents or information. Examples of documents that may not be accessed include: cabinet documents; some internal working documents; law enforcement documents; documents covered by legal professional privilege, such as legal advice; personal information about other people; and information provided to the commission in-confidence.

If an applicant is not satisfied by a decision made by the commission, under section 49A of the Act, they have the right to seek a review by the Office of the Victorian Information Commissioner (OVIC) within 28 days of receiving a decision letter.

Making a request

An application fee may apply. Access charges may also be payable if the document pool is large, and the search for material, time consuming.

Access to documents can also be obtained through a written request to:

John Henry, Principal Solicitor, VEU program
Essential Services Commission
Level 37, 2 Lonsdale Street
Melbourne VIC 3000

When making a freedom of information (Fol) request, applicants should ensure requests are in writing, and clearly identify what types of material/documents are being sought.

Freedom of information statistics and timeliness

During 2018–19, the commission received six applications.

The commission made four Fol decisions during the 12 months ended 30 June 2019.

Three decisions were made within the statutory time period. Two decisions were not required to be made in the financial year 2018–19.

The average time taken to finalise requests in 2018–19 was 53 days.

During 2018–19, one request was subject to an internal review by Office of the Victorian Information Commissioner.

More information

Further information regarding the operation and scope of Fol can be obtained from the Act, regulations made under the Act, and foi.vic.gov.au.

Further information may be obtained from:

Freedom of Information Act 1982

Freedom of Information (Access Charges) Regulation 2014

Freedom of Information Regulations 2019 www.foi.vic.gov.au

Reports, publications and informal requests

Find details about our reports and publications on our website: www.esc.vic.gov.au

Requests may also be directed to:

Essential Services Commission
Level 37, 2 Lonsdale Street
Melbourne, Vic 3000
Telephone: (03) 9032 1300
or 1300 664 969
publications@esc.vic.gov.au

Appendix F: Office-based environmental impact

We have continued to monitor key indicators of our environmental impact in 2018–19. Since 2017–18, some indicators have increased while others have decreased. Our full-time equivalent (FTE) count has also decreased over this period, and when this is considered most indicators, show a decrease in our environmental impact per FTE.

Overview of performance, 2018–19

| Category | Quantity used | Quantity per employee | Greenhouse gas emissions (tonnes CO ₂ -e) |
|---------------------------------------|---------------|-----------------------|--|
| Energy consumption (MJ) | 487,801 | 4,234 | 171 |
| Waste management (tonne) | 7.42 | 0.06 | 13 |
| Paper procurement (reams) | 938 | 8.14 | 4 |
| Transport use: car (litres of petrol) | 1,048 | 9.10 | 3 |
| Transport use: aeroplane (km) | 64,974 | 564 | 13 |
| Water consumption | N/A | N/A | N/A |
| Total greenhouse gas emissions | | | 203.18 |

Energy

Energy consumption data is taken from our energy retailer billing information. In 2018–19, energy use for one of the two floors we occupied was estimated assuming our staff made up 85% of total staff on that floor. In 2018–19, we assumed our staff made up 53 per cent staff on that floor.

Usage per employee is based on an annual employee average for the whole year. In financial year 2018–19, our energy usage decreased, but our usage per FTE increased.

This table uses estimated data only.

| Indicator | 2018–19 | 2017–18 |
|---|----------------|----------------|
| Total energy use segmented by primary source (MJ) | 487,801 | 488,784 |
| Greenhouse gas emissions associated with energy use, segmented by primary source and offsets (t CO ₂ -e) | 171 | 171.1 |
| Percentage of electricity purchased as Green Power | 0 | 0 |
| Units of energy used per FTE (MJ/FTE) | 4,234 | 4,073 |
| Units of energy used per unit of office area (MJ/m ²) | 289 | 220 |

Waste

We conduct a single waste audit each year. As the audit only measures waste production for one day, this day may not be representative of average waste production. To account for this potential inaccuracy, the figures displayed in the following table represent the average for all waste audits up to and including the year in question. Relative to 2017–18, our waste production decreased in 2018–19, and our waste production per FTE decreased.

This table uses estimated data only.

| Indicators (estimates) | | 2018–19 (tonnes /year) | 2017–18 (tonnes /year) | Difference compared to previous year (%) |
|-------------------------------|---|-----------------------------------|-----------------------------------|---|
| General waste/landfill | Total units of waste disposed per year by destination | 2.22 | 2.29 | -3% |
| | Units of office waste disposed per full-time equivalent | 0.02 | 0.02 | 1% |
| Co-mingled recycling | Total units of waste disposed per year by destination | 0.78 | 0.90 | -13% |
| | Units of office waste disposed per FTE | 0.01 | 0.01 | -9% |
| Organic recycling | Total units of waste disposed per year by destination | 0.67 | 0.74 | -9% |
| | Units of office waste disposed per FTE | 0.01 | 0.01 | -5% |
| Paper and cardboard recycling | Total units of waste disposed per year by destination | 3.75 | 5.10 | -26% |
| | Units of office waste disposed per FTE | 0.03 | 0.04 | -23% |

Paper

The paper data is based on supplier billing information and paper storage auditing. In 2018–19, we only used recycled paper, however our overall and per-employee consumption of paper increased.

| Indicator | 2018–19 | 2017–18 | Difference compared to previous year (%) |
|---|---------|---------|--|
| Total units of copy paper used (reams) | 938 | 864 | 9% |
| Units of copy paper used per FTE (reams/FTE) | 8.14 | 7.20 | 13% |
| Percentage of 75–100 per cent recycled content copy paper purchased | 100% | 99.4% | 1% |
| Percentage of 0–50 per cent recycled content copy paper purchased | 0.0% | 0.6% | -100% |
| Greenhouse gas emissions associated with paper use, segmented by primary source and offsets (t CO2-e) | 3.56 | 3.27 | 9% |

Water

Water consumption for the commission is not available. Water consumption is measured for the entire building and not specifically for the floors that we occupy. Building management is not able to provide individual water consumption data to occupants. The building, however, has a black water treatment plant with onsite sewage processing and high efficiency water fixtures and fittings. The building has been awarded a 3.5 NABERS water certification.

Transport

Transport data was collected from VicFleet logs and our air travel records. We use the Victorian Government vehicle pool for all our operational car travel, and the use of hybrid fuel vehicles by staff is encouraged. The amount of travel by plane for the commission decreased in 2018–19 however the kilometres travelled via car has increased.

| Transport type | Indicator | 2018–19 | 2017–18 | Difference (%) |
|-----------------------|--|---------|---------|----------------|
| Car (ULP) | Total travel associated with entity operations (km) | 14,640 | 13,571 | 8% |
| | Greenhouse gas emissions from fleet (t CO2-e) | 2.55 | 2.53 | 1% |
| | Greenhouse gas emissions from fleet per 1000 km travelled (t CO2-e) | 0.17 | 0.19 | -6% |
| Aeroplane | Total distance travelled (km) | 64,974 | 96,523 | -32.7% |
| | Greenhouse gas emissions (t CO2-e) | 13.22 | 19.63 | -32.7% |
| Sustainable transport | Percentage of employees using public transport, cycling walking or car pooling to get to and from work | N/A | N/A | - |

Summary of greenhouse gas emissions

| Emission source | CO2 emissions (t CO2-e) | | |
|-----------------|-------------------------|---------|----------------|
| | 2018–19 | 2017–18 | Difference (%) |

| | | | | |
|----------------------|--------------|------------|------------|---------------|
| Direct emissions | Vehicle hire | 2.6 | 2.5 | 1% |
| Indirect emissions | Electricity | 170.7 | 171.1 | 0% |
| Optional emissions | Office paper | 3.6 | 3.3 | 9% |
| | Waste | 13.1 | 16.7 | -21% |
| | Flights | 13.2 | 19.6 | -33% |
| Total | | 203.2 | 213.2 | -5% |
| Total per FTE | | 1.8 | 1.8 | -0.72% |

Appendix G: ICT expenditure

For the 2018–19 reporting period, we had a total ICT expenditure of \$2,193,686 with the details shown below.

| All operational ICT expenditure | ICT expenditure related to projects to create or enhance ICT capabilities | | |
|---|--|-------------------------|---------------------|
| Business as usual (BAU) ICT expenditure | Non business as usual (non-BAU) ICT expenditure | Operational expenditure | Capital expenditure |
| (Total) | (Total = operational expenditure and capital expenditure) | | |
| 2,155,784 | 499,626 | 1,656,158 | 37,902 |

ICT expenditure refers to our costs in providing business enabling ICT services within the current reporting period. It comprises BAU ICT expenditure and non-BAU ICT expenditure. Non-BAU ICT expenditure relates to extending or enhancing our current ICT capabilities. BAU ICT expenditure is all remaining ICT expenditure that primarily relates to ongoing activities to operate and maintain the current ICT capability.

Appendix H: Ministerial statement of expectations

Each year, we receive a statement of expectations from the Assistant Treasurer. The statement sets out the Assistant Treasurer's expectations of our contribution to the Victorian Government's regulatory reform program.

The Assistant Treasurer supplied a statement of expectations spanning 2018–2020. The following table reports on our progress against these expectations for the 2018–19 year.

| Key area | Improvement expected by the Assistant Treasurer | Target by 30 June 2020 | Progress as at 30 June 2019 |
|---|--|---|---|
| Stakeholder consultation and engagement | Implement the stakeholder engagement framework. | Maintain stakeholder satisfaction over 75 per cent. | Our 2019 reputation survey showed satisfaction with consultation and engagement at 73 per cent. |

| | | | |
|--|---|--|--|
| Timeliness (processes/systems in place) | Increased online capability as part of the Victorian Energy Efficiency Target digital portal upgrade. | A 10 per cent increase in capacity to handle Victorian Energy Upgrades business forms measured by a 10 per cent overall reduction in time to approve applications. | The project design phase started in 2018–19. We are awaiting final government approval for the build phase of the project. |
| Incentive-based regulation | Review the new water pricing framework. | Evidence that water businesses have pursued cost efficiencies and/or delivered better services. | An independent review of our water pricing framework found it provided incentives for water businesses to deliver better value for money to customers, either through lower prices or better services. |
| Risk-based strategies | Apply a risk-based and targeted approach to enforcement in the energy sector. | Target to be developed in 2018–19. | In 2018–19, the commission applied a risk-based approach to prioritising and targeting its enforcement activity in the Victorian energy market. This resulted in the commission issuing 34 penalty notices against licensed power companies in the financial year. |
| Compliance related assistance and advice | Conduct user testing to confirm website redevelopment has led to improvements for users. | User testing indicates the website is easy to use 63 per cent of the time. | Our 2019 reputation survey showed the usefulness of our website was rated at 66 per cent. |

Glossary

| Term | Definition |
|------|------------|
|------|------------|

| | |
|-------------------------------|---|
| 'best offer' | A type of energy reform that enables Victorians to see whether they're on the energy retailer's most suitable plan. From 1 July 2019, your energy retailer must put 'best offer' information on your electricity and gas bills at least once every four months. |
| CALD | An acronym that stands for 'culturally and linguistically diverse'. People within the CALD community may speak a foreign language, organise specific cultural activities or have spiritual needs. |
| CPV | Commercial passenger vehicle. A term that includes taxis and unbooked ride-share services. |
| domestic building insurance | A type of insurance taken out by builders and covers homeowners for defects if their builder dies, disappears or goes out of business. |
| electricity distributor | Electricity businesses that own and manage the power poles and wires that deliver power to your home or business. These businesses are generally separate to energy retailers (who sell you electricity and gas). |
| Energy Fairness Plan | A Victorian Government initiative that aims to implement reforms within the energy sector. |
| Energy Retail Code | A code that sets out the rules electricity and gas retailers must follow when selling energy to Victorian customers. The commission maintains the code. |
| Engage Victoria | A Victorian Government website that enables citizens and businesses to make submissions on key projects run by government bodies. |
| Essential Services Commission | We are an independent regulator that promotes the long-term interests of Victorian consumers with respect to the price, quality and reliability of essential services. We regulate Victoria's energy, water and transport sectors, administer the rate-capping system for the local government sector and regulate the Victorian Energy Upgrades (VEU) program. |
| Fair Go Rates system | A local council rate-capping system. It establishes rate caps to limit the amount by which Victorian councils can increase rates in a year without seeking additional approval. |
| FarrierSwier | An advisory and management consulting service. |
| higher cap application | An application where a local council asks for a rate increase above the cap set by the Minister for Local Government. Councils submit their applications to us, and we then assess and accept or reject the applications. |
| LED | Light-emitting diode. A form of energy efficient lighting. |
| Local Government Victoria | A Victorian Government body that provides policy advice, oversees legislation and works with councils to support responsive and accountable local government services. |

| | |
|---------------------------------------|--|
| non-cash payment surcharge | A surcharge that applies when a taxi passenger pays for a fare using non-cash payment transaction options, including credit, debit and charge card. We are reviewing the maximum surcharge. |
| PREMO | A water pricing framework we implemented for water prices that apply from 1 July 2018 onwards. The framework aims to put customers at the centre of a water business's decision making through incentives focused on five elements: performance, risk, engagement, management and outcomes. These elements form the 'PREMO' acronym. |
| Royal Commission into Family Violence | A commission focused on investigating how to eliminate family violence within Australia. The commission concluded its work in May 2016. |
| simple standing offer | A type of electricity pricing offer. You may be able to check your bill to determine if you're on a simple standing offer. |
| tariff | A list or table showing the costs (prices) of a service or item. Tariffs we regulate include water tariffs and the minimum feed-in tariff that your energy company pays you for power you export to the grid (via sources including solar panels). |
| VEEC | Victorian energy efficiency certificate. Large energy retailers are required to acquire and surrender these certificates in order to participate in the Victorian Energy Upgrades program. |
| VEET Act | The Victorian Energy Efficiency Target Act 2007. Our Victorian Energy Upgrades Program operates under the VEET Act. |
| VEU | The Victorian Energy Upgrades program. An energy efficiency initiative that helps Victorians reduce their energy bills and greenhouse gas emissions by providing access to discounted energy efficient product and services. |
| Victorian Default Offer | A type of energy reform that applied in Victoria from 1 July 2019. The offer is an independent, 'fair', priced electricity offer that you can switch to, or use to check if you're getting value for money on your electricity. |
| Victorian Energy Market Report | A guide on how the electricity and gas markets are performing. The report aims to help customers piece together how the energy retail market works, and what they need to do to get the best out of it. |
| Victorian Managed Insurance Authority | The authority provides risk and insurance services to protect Victoria's assets and minimise losses from adverse events. |