

17/10/2022

CM/2022/027794

Dear Retailers,

**Reporting potential or actual wrongful disconnection breaches to the commission**

We write in relation to a process of the Energy and Water Ombudsman Victoria (EWOV) where cases are closed with a payment made to customers with 'no admission of breach' by the retailer. These cases include disconnections where a customer has been reconnected within 24 hours.

We understand that a practice has arisen where retailers do not internally investigate such cases as to whether they also give rise to a breach of section 40SE of the Electricity Industry Act and section 48DG of the Gas Industry Act.

We remind retailers of the obligation to report any potential or actual wrongful disconnections in line with the current version 7 of the [Compliance and Performance Reporting Guideline](#) (the guideline). In [our final decision](#), the commission stated that 'reporting of potential wrongful disconnections is required even if a dispute managed by EWOV is settled based on commercial considerations. Settlement of customer disputes does not relieve a retailer from making a compliance assessment and reporting both potential and actual wrongful disconnections to the commission'.

We do not consider that any settlement process arranged through or with the assistance of EWOV negates a retailer's obligation to comply with the guideline.

We encourage retailers to assess their processes to ensure that they are capturing appropriate EWOV complaints and reporting these to the commission in accordance with the timeframes in the guideline.

Yours sincerely



**Kasper Maat**  
Senior Regulatory Manager, Compliance and Enforcement