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Re Submission-Consumer Engagement Guideline August 2013

Thank you for the opportunity to provide feedback on the Draft Consumer Engagement Guideline for Network Service Providers (July 2013).

I strongly support the introduction of these guidelines and look forward to their implementation as soon as possible.

I believe that the document and accompanying statement clearly set out the principles and reasons for the need for better consumer input into this sector.

It is unacceptable for consumers not to be provided with the opportunity for input into decision making in such an important state and national industry.

It is also impossible to see how service providers could expect to continuously improve their business, technology and response to community needs without having meaningful and on-going frameworks for community input.

I need to say that my main motivation to provide feedback on these guidelines stem originally from an extremely frustrating example of poor consumer engagement practices from an energy provider in Victoria.

I hope you can allow me to set out some of the background to this situation as I believe it makes a good case study of the difficulties in trying to encourage consumer engagement in this sector in this state currently.

I admit that this study is probably rather narrow or local in the context of the overall aim of these guidelines, but I feel it does highlight the need for service providers to have some formal process to consider consumer views.

It also highlights the difficulty that the implementation of the guidelines will face given the current attitude to consumer engagement demonstrated by levels of government and service providers (herein SP).

The Case Study:

The study refers to the construction of a 45 metre monopole by SP AusNet in Victoria and the failure to provide basic information for residents about

the project. The towers, which are being built across the state, are for the apparent use of monitoring smart meter readings.

In this semi rural area a tower appeared suddenly and dominates the landscape for many kilometres. It has had an impact on resident amenity and property values to a differing extent-but most residents were just concerned that a huge tower could appear without any notice. This is unusual in an area where local government seeks resident input into everything, including minor property redevelopments. How an imposing tower, with such a visual impact could appear without notice was troublesome.

In addition, some residents have stated that small changes to the location or size of the tower would have greatly reduced the life time impacts for them, but no opportunity for input was provided.

Local decision makers (State and Local Government) have been asked why no one involved consumers in the project in advance-even to provide basic information such as its proposed use, height, location, possible health aspects if relevant etc.

In particular, representation was made to Local Government, State Government (via the Premier), some local counsellors and the local state MP seeking comment as to whether they approved of a planning process that did not provide for resident input.

SP AusNet have a policy of providing residents within 100 metres of the build site (not a great distance in a rural area) with notice that works will begin (this information-with none of the detail described above-arrived after the site selection and all planning had been done). Residents outside this area received nothing.

Response from the agencies regarding lack of resident involvement:

- **Local Government (Planning):** claimed the project was "exempt (through State and Federal legislation) from the need to obtain planning permits....local government has no control". Claimed Council "expressed many concerns with the size and visual aspects of these towers to SP AusNet"..... but they are "not bound to take onboard any feedback". Suggested residents advocate to State and Federal members re lack of consultation.
- **Premier-via Dept of Transport, Planning and Local Infrastructure:** Advised that "as a body listed in Sections 46-51 (inclusive) of the Telecommunications Act 1997" SP is "exempt from requiring a permit". "...any consultation is up to the discretion of SP AusNet".
- **Local Counsellor:** Unfortunately- no permit is required..."not something Council can modify"... "talk to your local member of Parliament".

- **Office of the Local Member of Parliament:** Project “Not subject to planning approval”. “If you are concerned about the location....I can put you in contact with a representative from SP AusNet.”

Summary of Government Responses:

Decision makers (as above) did not answer the question put to them which was “do they approve of a planning system that allows such structures to be built without resident’s involvement in the process?” None provided any insight into how this could be changed or what they could have done themselves to better inform residents-quite simply it was not their concern.

Residents were asked instead to take up the matter with Members of Parliament...yet the local Member of Parliament suggested residents go to the SP instead!

Provider’s Response:

The SP’s letter to the handful of residents within the 100 metre boundary claimed that the site “has been carefully selected to minimise the impact on the community”. So the SP was simply asked via their listed email... how they can claim to minimise impact on the community without community involvement in the decision?

- The SP failed to acknowledge or reply to this repeated email for more than 6 weeks.
- When the reply did arrive, it did not answer the question but stated....“While we are not required to obtain planning permits or approval, SP AusNet actively engages with local council and MP’s about the need for this infrastructure in the area so they are aware of our plans before construction begins also”. The SP therefore places consultation responsibility back to MP’s and local government.

Outcome:

The case study described is admittedly confined to one specific aspect of the industries business. However, the impact of this project is considered significant for part of the local community (indeed a web search indicates the problem is being replicated in many areas across the state).

It is felt that the case study raises a number of concerns relating to the interest and capacity of all parties to support meaningful client involvement.

Whilst there were apparently no barriers to any party taking action to inform or consult residents, not one acted to represent clients views-hence the circular referral of resident’s queries to another party!

The use and interpretation of current legalisation in this area has compounded this confusion and allowed both providers and government an

easy way of restricting the access for consumers to basic information about projects, let alone allowing consumers to have a stronger say.

It can also be argued that the case study highlights the lack of wider governance in this industry. With no permit process in place, local and state decision makers had no idea of the activity of the SP, no formal information to provide residents and indeed no knowledge and oversight of the SP's activities, the arrangements it entered into with landowners etc.

It is clear that if any level of community engagement is to be encouraged, a review is needed of the legislation framing the SP's specific activities to promote an environment where the consumer's voice will be heard.

Conclusion:

It is evident that current legislation applicable to the activities of providers in this state does nothing to ensure government and SP's involve clients-even at a basic level. Quite the reverse.

Whilst the end result in this study may have been the same for residents with a strong consultative mechanism in place, knowing that there was some form a structure for consumer views to be represented, even at a much higher level, would have reduced the frustrations for residents.

At a minimum, a consultative mechanism may have encouraged the SP to prepare some basic information for residents, let alone engage the wider community in a discussion on this rolling program.

The framework for consumer engagement is strongly supported in the hope that it will be a starting point for client engagement at a number of levels and encourage SP's and government to improve governance, communication and outcomes for all Victorians.

Residents in this area would argue there are major barriers to implementing these guidelines illustrated in the case study and very limited confidence that non-binding guidelines will work in this environment. It is expected that strong incentives or even sanctions may be required before any party will move to actively engage consumers at a meaningful level.

There needs to be strong leadership, commitment and willingness to change from all levels of government and providers before even small steps can be made to improve client engagement in this industry the future.

Yours sincerely

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Victoria