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In reply please quote: FC2026/01789

4th February 2026

Essential Services Commission
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Feedback on draft version of *Getting to Fair: Advancing Equity* strategy

Thank you for the opportunity to feed back on the draft version of the Commission's *Getting to Fair: Advancing Equity* strategy. Wannon Water provides the following comments in response to the questions in bold text, which were provided within the consultation paper.

Are there matters we should consider in evolving our Getting to Fair strategy to encompass both individual and system-level equity?

Wannon Water supports the overall intent and structure of the draft strategy. However, actions arising from the flagship frameworks and priority themes should be developed with adequate consultation, to avoid unintended system-level consequences that may impact the ability to achieve the intended outcomes. Within Priority Theme 2 (system-level responses), the Commission should consider risks and opportunities in the context of regulating across multiple industries and coordinating effective cross-sector collaboration to share costs and maximise benefits for Victorian consumers.

Feedback from Wannon Water in relation to the remaining consultation questions below is provided on the understanding that the actions listed against the priority themes have not yet been committed to and are intended as examples. The examples do however provide insight into how the strategic intent could translate into practice.

Do you think the priority themes are the right themes to help achieve our goal? If yes, is there a way we could strengthen or improve the themes? If no, are there other themes we should consider?

Wannon Water supports the proposed priority themes in principle. To ensure that they translate into the intended outcomes, the associated actions should be designed with upstream impacts on the Commission's overarching strategic domains in mind as outlined in the *Strategic Plan 2025-29* (i.e., Efficient Pricing, Resilience and Sustainability, Equitable Services and Integrity and Trust). The following feedback against each priority theme is provided in this context, using the example actions to illustrate potential risks and opportunities.

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Theme 1: Business Conduct

Feedback regarding "industry standards or guidance for engagement with First Nations consumers":

Industries regulated by the ESC are aligned with industry-specific federal and state government frameworks designed to address inequities experienced by First Nations communities. In this context, the Commission should consider how guidance or standards are presented to align with these frameworks. Risks may arise from a siloed industry approach to First Nations engagement, for example overlapping and poorly aligned implementation that may impact the same stakeholders or communities. The Commission should also consider opportunities to support enhanced coordination and collaboration across regulated industries to share costs and increase benefits.

Regulatory stewardship, guidance and reform in the water industry should consider *Water is Life* in conjunction with Statewide Treaty reforms and other relevant frameworks to support water corporations to incorporate them into product, service and pricing decisions.

Theme 2: system-level responses

Feedback regarding "Exploring principles-based, outcomes-focused regulation to drive better consumer outcomes and reduce reliance on unnecessary prescription (for example, a consumer duty of care)":

If the ESC commits to an action of this kind, thorough consultation should be conducted to provide clarity regarding application of this approach (i.e., which industry or industries it would apply to as well as how it would be implemented) and to interrogate business and consumer impacts. Risks of implementing a principles-based approach should be considered in terms of the impact on water industry operating models (versus applying this approach to the energy industry, which has more complex products and services), associated cost and pricing implications, and potential cross-industry consumer impacts.

Feedback regarding "Incentivising regulated businesses to better engage with Traditional Owners and address the risks and impacts of proposed activities on Traditional Owner rights and interests":

The Commission should consider whether alternative language might support better outcomes around collaboration with First Nations communities. For example, it could be more effective to focus on "building trust" as opposed to "engaging" with Traditional Owners to develop genuine relationships that enable equitable approaches.

Theme 3: Regulatory inclusion

In relation to the Commission's stated intent regarding "advancing just outcomes across diverse consumer and user segments", this approach should incorporate rural and remote communities to ensure systemic barriers, cost and pricing implications are fully understood in this context.

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What can be done to support our regulated sectors embed considerations of justice and equity at both the individual and system level?

Ensuring regulatory approaches are fit-for-purpose across all industries and adapting if necessary to address individual industry and service delivery contexts.

Is there anything else we should be doing to ensure the success of this strategy?

The draft strategy states that: *"social, environmental and cultural considerations may create hidden liabilities that consumers eventually pay for through higher prices or degraded service quality, for example, climate-related disruptions"*. To ensure this strategy effectively addresses equity gaps, consideration should be given to regional and rural communities as areas with lower population numbers, but where for example the impacts of climate-related disruptions can carry more intense and prolonged impacts compared with metropolitan areas.

The Commission should also consider funding systems-level actions or programs of work (particularly under Priority Theme 2) to provide cross-sector support and knowledge-sharing.

What challenges or barriers might make it harder to deliver this strategy?

Resource constraints within industries and different-sized businesses, particularly smaller, regional organisations. It will also be important to balance prescriptive and principles-based approaches to support the water industry and other industries to achieve the desired consumer outcomes.

Yours sincerely

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