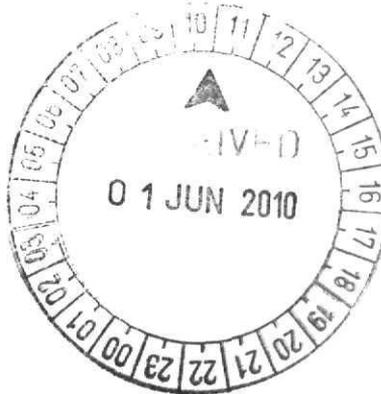




Department of Justice

CD/10/185105 Consumer Affairs Victoria

Level 17
121 Exhibition Street
Melbourne Victoria 3000
GPO Box 123
Melbourne Victoria 3001
Telephone: (03) 8684 0735
Facsimile: (03) 8684 6040
www.consumer.vic.gov.au
DX 210220



31 MAY 2010

Our ref: EC/10/544

Dr Ron Ben-David
Chairperson
Essential Services Commission
Level 2, 35 Spring Street
MELBOURNE VIC 3000

Dear Dr Ben-David ^{Ron}

REGULATORY REVIEW - SMART METERS

Thank you for your letter of 22 April 2010 enclosing the Issues Paper on this matter.

I note the statement in your letter that a central task is to ensure that consumers are provided with consumption and pricing information that is, among other things, transparent.

Section 163 of the *Fair Trading Act 1999* requires consumer contracts to be clearly expressed, easily legible and in a minimum 10 point font (Times New Roman or equivalent). While this stand-alone requirement will not be replicated in the Australian Consumer Law (due for adoption in 2011) the transparency of a term in a consumer contract (defined as whether it is expressed in reasonably plain language, is legible, is presented clearly, and is readily available) will be a matter to be taken into account when assessing whether it is unfair, and therefore void.

You might like to bring these matters to the attention of retailers in relation to any contracts entered into with consumers regarding smart meters.

Thank you for the opportunity to comment.

Yours sincerely

Dr Claire Noone
Director
Consumer Affairs Victoria