



Electricity Supply Industry Expert Panel

Mr Greg Todd
PO BOX 122
Launceston TAS 7250

Dear Mr Todd,

I refer to your recent email correspondence to myself and the CEO of the Panel's Secretariat with regard to submissions you have made to the Panel. I would like to formally respond to a number of the serious allegations that you make.

Firstly, the Panel has not 'suppressed' the information that you provided to the Panel, as you claim. The Panel has accepted all of your submissions and their content has been considered in detail. You will note, for example, that the Panel's *Summary of Submissions to the Issues Paper* acknowledged some of the issues that you raised in a broader governance context, where relevant to the scope of the Review.

The Panel is not required under its legislation or otherwise compelled to publish documents or materials submitted to it. Ultimately, the decision to publish or not publish a submission is at the discretion of the Panel. The Panel has published all non-confidential submissions it has received, other than those submitted by yourself in relation to the Issues Paper.

Secondly, the issue at hand in relation to publishing your submissions is not their 'factual' elements, rather the opinions and conclusions that you draw from those facts.

The decision to not publish your second submission on the Issues Paper, having considered its content, was purely based on the unwillingness of the Panel to be a party to further distributing these opinions and conclusions, given their potentially defamatory nature.

The Panel has also decided to remove from its website the first submission in relation to the Issues Paper on the same grounds.

Your suggestion that the Panel has 'colluded' with Aurora Energy and others in an effort to silence your complaints is baseless and offensive. The Panel made its decision independently and with no consultation with any other party.

Thirdly, with regard to your broader suggestion that the Panel has somehow failed in its duty by not investigating your allegations, I can advise that the Panel considers the more specific matters you have raised (eg. specific breaches of licence conditions and compliance or otherwise with legislation) to be outside the scope of its Review, as defined in its Terms of Reference and in its *Statement of Approach*, which explained the Panel's approach to the Review.

The Panel's *Response to Submissions on the Statement of Approach*, published in March 2011, highlighted the approach that the Panel intended on taking in relation to Terms of Reference 8:

Nonetheless, the Panel considers that there is merit in reviewing the information provided to Government by Aurora during this period as it provides an insight into the practical application of the governance framework for the SOEBs. For example, it will provide a tangible case study for examining matters such as the nature and timeliness of reporting between management, the Boards of the SOEBs, the bureaucracy and Executive Government. (p13)

The broad issue of governance is indeed relevant to the Panel's Review, and we have produced an assessment of the current governance arrangements in both the Draft Report, and in the *Governance: Issues and Reforms* supporting paper, which is consistent with the approach highlighted in the *Statement of Approach*.

Moreover, these matters have already been thoroughly and repeatedly raised with a range of independent bodies, including the Tasmanian Economic Regulator, the Australian Communications and Media Authority, the Australian Securities and Investments Commission, the Ombudsman and – most recently – the Auditor General and the State Archivist.

I trust this clarifies the Panel's position on the publishing of your submissions on the Issues Paper.

I have placed a copy of this letter on the Panel's website, given the wide dispersion of your previous emails on this matter.

Yours sincerely



John Pierce
Chairman
8 March 2012