



Energy and Water Ombudsman Queensland Service Charter

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Table of contents

Introduction.....	2
Our vision	2
Our commitment.....	2
Our aims.....	3
What we do	3
Governing instruments of these regulatory bodies include:.....	4
Functions.....	4
General restrictions on functions.....	4
Exclusion of disputes relating to the Community Ambulance Cover Levy	5
Reports and observations on Energy and Water Ombudsman's initiative	5
How we accept disputes	5
Investigation procedure	5
Confidential Information.....	6
Interim orders	6
Binding decisions.....	6
Final order	6
What we cannot investigate.....	6
Our commitment.....	7
Our customers.....	7
How customers can help us.....	7
EWOQ Advisory Council.....	8
Appointment	8
Our relationships	9
How we inform energy and water customers of our existence and role.....	10
Our standards.....	10
Independence.....	10
Internal and external review.....	10
Operating target timeframes	11
Operating funding model	11
Membership fees	11
User pays fees.....	11
Unforeseen expenditure	12
Annual report.....	12
Feedback on our service	12
How to contact us	12
Contact EWOQ:.....	13

Introduction

Energy Ombudsman Queensland was established in July 2007 by the Queensland Government as an independent external dispute resolution scheme, to receive, investigate and facilitate the resolution of disputes between small energy customers and energy entities in Queensland and, if necessary, make final orders against energy entities.

From 1 January 2011, EOQ became Energy and Water Ombudsman Queensland (EWOQ). In addition to its existing energy functions, it now receives, investigates and facilitates the resolution of disputes between small water customers and water entities in south east Queensland (SEQ) and, if necessary, can make final orders against water entities.

EWOQ contributes to fair, equitable and just energy and water sectors through the provision of independent, free, accessible and effective dispute resolution services to meet the diverse needs of Queensland's small energy customers (and relevant occupiers of land), small water customers in SEQ, and the energy and water entities who are EWOQ scheme participants.

This Service Charter provides a simple overview of the EWOQ Scheme. For more specific or detailed information on the legislation and jurisdictional powers and responsibilities of EWOQ, please refer to the *Energy and Water Ombudsman Act 2006* (the Act). In the event of any inconsistency or lack of clarity between the Service Charter and the Act, the Act will take precedence.

Our vision

To provide excellence in independent dispute resolution services to meet the diverse needs of Queensland's small energy customers (and relevant occupiers of land), small water customers in south east Queensland, and the energy and water entities which are EWOQ scheme participants.

Our commitment

As part of EWOQ's commitment to excellence in independent dispute resolution services, all staff will take personal responsibility for their dealings with customers, scheme participants and other stakeholders.

All staff will:

- treat customers, scheme participants, other stakeholders and work colleagues with professionalism, honesty, courtesy and respect
- ensure every work colleague, customer, scheme participant and other stakeholder receives procedural fairness and natural justice
- respect the confidentiality of information
- communicate in a clear, concise and easily understood manner
- ensure our responsibilities are dealt with quickly and accurately.

Our aims

We aim to:

- provide best practice dispute resolution processes to assist small energy and water customers who have a dispute or complaint with their energy supplier;
- maintain and further develop ongoing relationships with customers, scheme participants and other stakeholders through regular presentations and updates on services;
- investigate, report and provide feedback to the Queensland Government and scheme participants on consumer and systemic issues; and
- raise awareness of the services offered to energy customers across Queensland and water customers in SEQ.

The EWOQ Scheme was designed with the intentions of meeting and exceeding the principles of an effective customer dispute resolution scheme as proposed by the Department of Industry, Science and Tourism (Commonwealth Government), namely:

- accessibility;
- independence;
- fairness;
- accountability;
- efficiency; and
- effectiveness.

What we do

EWOQ provides an effective and accessible independent dispute resolution process to assist Queensland domestic and small business energy and water customers. The Energy and Water Ombudsman ensures a fair, equitable and accountable energy and water sector within Queensland that considers and protects the individual rights and concerns of customers and scheme participants.

EWOQ can only assist small energy customers across Queensland or small water customers in south east Queensland.

For energy disputes, small customers are those whose electricity consumption is less than 100 megawatt hours per annum (approx. \$20,000) and gas consumption less than one terajoule (approx. \$20,000). For water disputes small customers are either a residential customer or a non-residential customer who uses no more than 100 kiloLitres (kL) of drinking water and/or reticulated recycled water per annum.

We can assist with unresolved complaints about:

- billing
- credit
- customer service
- land
- marketing
- provision
- supply
- disconnection of energy supply
- restriction of water supply, or

- transfer.

Under the EWOQ Scheme, customers are obliged to provide scheme participants with the opportunity to resolve a dispute **before** referring it to EWOQ for resolution. It is recognised that not all disputes will require the Energy and Water Ombudsman to make a determination or final order to resolve. It is also recognised that not all disputes between customers and scheme participants fall within the jurisdiction of EWOQ. Accordingly, Memoranda of Understanding have been established between EWOQ and the:

- Queensland Competition Authority
- Queensland Water Commission
- Queensland Ombudsman
- Office of Fair Trading
- Department of Employment, Economic Development and Innovation (Mines and Energy)
- Australian Energy Regulator.

Governing instruments of these regulatory bodies include:

- *Energy and Water Ombudsman Act 2006;*
- *Electricity Act 1994;*
- *Fair Trading Act 1989;*
- *Gas Supply Act 2003;*
- *Ombudsman Act 2001;*
- *Queensland Competition Authority Act 1997;*
- *South East Queensland (Distribution, Retail & Restructuring Act) 2009;*
- *South East Queensland Water (Restructuring) Act 2007;*
- Electricity and Gas Industry Codes; and
- SEQ Customer Water and Wastewater Code.

Functions

EWOQ's functions are to:

- receive, investigate and facilitate the resolution of disputes referred under the Act;
- resolve disputes that cannot be resolved by agreement, negotiation or conciliation;
- promote the scheme to small customers and relevant occupier of land;
- identify systemic issues that arise from complaints made to EWOQ; and
- carry out other functions conferred on EWOQ under any act.

General restrictions on functions

EWOQ can not accept a referral about or investigate any of the following:

- the fixing of prices or tariffs for customer connection services or customer retail services or methodologies for fixing the tariffs or categories
- the fairness or reasonableness of the terms of a connection contract or retail contract
- disputes between small customers and scheme participants about eligibility for State Government concessions or rebates
- a commercial activity carried out by a scheme participant if the activity is outside the scope of any energy or water act authority held by the participant

- the content of government policies or of legislation, an energy or water act authority or an industry code
- a requirement under an energy or water act or an order in a proceeding
- a customer contribution to the cost of capital works
- a dispute between two or more energy or water entities

Exclusion of disputes relating to the Community Ambulance Cover Levy

EWOQ's functions do not apply to disputes between scheme participants and small energy customers about:

- the performance of a function under the *Community Ambulance Cover Act 2003*; or
- the performance of a function under the *Electricity Act 1994*, to the extent that the performance of the function is required, permitted or otherwise provided for under the *Community Ambulance Cover Act 2003*.

Reports and observations on Energy and Water Ombudsman's initiative

If the Energy and Water Ombudsman considers it appropriate, they may report on, or make observations about, a matter arising from the performance of EWOQ's functions to:

- a scheme participant;
- an energy or water act regulator;
- the Minister responsible for energy and water utilities;
- the EWOQ Advisory Council; and/or
- a public forum.

How we accept disputes

Disputes may be referred to EWOQ either verbally or in writing; however in certain circumstances the Energy and Water Ombudsman may request the complaint be made in writing.

Investigation procedure

Unless the Act otherwise provides, the Energy and Water Ombudsman may regulate the procedure for an investigation in any way he/she considers appropriate. However, if practical, the procedure must be one that uses negotiation or conciliation in an attempt to resolve the dispute.

When carrying out an investigation, the Energy and Water Ombudsman:

- is not bound by the rules of evidence, but must comply with natural justice;
- may, but is not required to, hold a hearing for the investigation;
- may obtain documents or information that is, or may be, relevant to the investigation from the persons in the way they consider appropriate;
- may make any inquiry they consider appropriate;
- must act in a way that is fair, reasonable, just, informal and timely, and maintains confidentiality; and
- must act in accordance with practice that, among persons who under laws of other States perform functions similar to those of EWOQ, is accepted as being good practice for performance of the functions.

The Energy and Water Ombudsman must develop and make guidelines on procedures to be followed for disputed referrals and investigations.

Confidential Information

The Energy and Water Ombudsman can not use or disclose information received from a scheme participant other than as permitted under legislation.

Interim orders

The Energy and Water Ombudsman may order a scheme participant to do, not do, or stop doing, an action concerning a particular dispute.

Binding decisions

After the completion of an investigation, the Energy and Water Ombudsman may decide to make, or refuse to make, an order in favour of the small energy or water customer. The Energy and Water Ombudsman may order a scheme participant to:

- pay compensation to the energy or water consumer – if no amount is prescribed, an amount of up to \$20,000, or if all parties have agreed, an amount of no more than \$50,000;
- provide the energy or water customer with stated services under the relevant energy or water act – for example, a non-monetary solution to remedy the dispute;
- amend a stated charge under an energy or water act; and/or
- carry out corrective work.

Prior to the Energy and Water Ombudsman making a final decision, a draft decision will be circulated to the affected parties for consideration and comment. The decision of the Energy and Water Ombudsman, and the reasons for the decision, will be in writing.

Final order

The energy or water customer may, by written notice, elect to accept or not accept a final order, but such notice must be given within 21 days after receipt of the decision about the order. The Energy and Water Ombudsman will give the relevant scheme participant a written notice about whether or not the order has been accepted.

Once accepted, the order is final, and binds the parties for all matters that were the subject of the dispute. Subject to the *Judicial Review Act 1991*, the order cannot be challenged or appealed against. The energy or water customer (or the Energy and Water Ombudsman) may file the order in a Magistrates Court and must do anything that is both necessary and reasonable to allow the scheme participant to comply with an accepted order.

If a scheme participant does not comply with a direction given for an order, a maximum penalty of 100 penalty points may be applied. In addition, non-compliance may be referred to the appropriate regulator under an energy or water act.

What we cannot investigate

EWOQ can not investigate:

- the fixing of prices or tariffs
- a matter that is within the exclusive function of the energy or water regulator or the Queensland Competition Authority
- a customer contribution to the cost of capital works
- a dispute between scheme participants
- a matter that has already been decided by the Energy and Water Ombudsman or a legal proceeding

- a dispute relating to the Community Ambulance Cover Levy
- a matter that is trivial, frivolous or vexatious in the opinion of the Energy and Water Ombudsman
- a dispute that has not been provided to the relevant scheme participant for reasonable opportunity to resolve
- home suite products such as air conditioners, hot water systems and home electrician services offered by electricity retailers
- reticulated bulk hot water
- on-selling of electricity to tenants in caravan parks, retirement villages and other multi-tenanted dwellings
- bottled LPG
- developer enquiries
- pensioner rebates
- solar rebates
- electricity consumption over 100 megawatt hours per annum
- gas consumption over one terajoule per annum
- water consumption for a non-residential customer over 100 kiloLitres per annum
- Reticulated potable water supplied to a metered standpipe
- raw water supplies (i.e. water which is not intended for consumption as potable)
- trade waste services
- storm-water harvesting
- stand-alone recycled water (i.e. recycled water other than dual reticulation).

The Energy and Water Ombudsman cannot provide legal advice.

Our commitment

EWOQ staff are empowered to resolve complaints and disputes between electricity, reticulated gas and water customers and their suppliers. As part of EWOQ's commitment to excellence to customer service, all staff take personal responsibility for their dealings with customers. Each staff member:

- respects the confidentiality of customer information
- treats every customer with professionalism, honesty, courtesy and respect
- ensures customer inquiries are dealt with quickly and accurately
- communicates with customers in a clear, concise and easily understood manner
- ensures the intended meanings of messages are correctly understood, and
- ensures every customer receives procedural fairness and natural justice.

Our customers

EWOQ has been established to protect the rights of over two million electricity and reticulated gas domestic and small business customers in Queensland and small water customers in south east Queensland.

How customers can help us

To assist us meet our standards and customer commitment, we ask customers to:

- treat our staff in a courteous manner
- provide sufficient, accurate and relevant information to enable us to investigate their issues, and

- provide us with feedback on our service.

EWOQ Advisory Council

An EWOQ Advisory Council has been established to:

- monitor EWOQ's independence
- advises the Energy and Water Ombudsman on:
 - policy, procedural and operational issues relating to the Act
 - the operation of the Act for small customers and relevant occupiers of land; and
 - the preparation of budgets, guidelines and annual reports, and
- advise the Minister responsible for energy and water utilities on the funding of EWOQ's functions.

Appointment

The Advisory Council consists of a chairperson and at least six other members appointed by the Minister responsible for energy and water utilities. The chairperson must be independent of the interest of scheme participants or customer advocacy representatives. The other members must consist of:

- members drawn from scheme participants who represent the interests of scheme participants (industry members), and
- an equal number of members drawn from groups who represent the interests of customers (consumer members).

The industry members must be appointed on the chairperson's recommendation, after consultation with scheme participants. The consumer members must be appointed on the chairperson's recommendation, after consultation with consumer groups and community welfare organisations. At least two of the industry members must represent the interests of retailers, at least one of the industry members must represent the interests of distributors, and at least one member represents interests of the water entities.

Our relationships

Agency/Company/Group	Interests/Concerns/Impacts	Relationship Nature of Business
Queensland Parliament	Legislative and executive responsibility for the provision of complaint investigation and dispute resolution services for electricity, reticulated gas and water customers in Queensland.	Key Government stakeholders of the Energy and Water Ombudsman Scheme.
EWOQ scheme participants. Visit www.ewoq.com.au for an up-to-date list of EWOQ scheme participants.	Key energy and water sector participants providing electricity, and reticulated gas services to Queensland domestic and small business customers and water services to SEQ small customers.	Distribution and retail electricity and gas companies. Distribution and retail water companies. Key industry stakeholders whose customers have sought assistance from the Energy and Water Ombudsman in resolving disputes.
State Member of Parliament and State Government departments and authorities including: <ul style="list-style-type: none"> • Department of Employment, Economic Development and Innovation • Queensland Competition Authority • Queensland Water Commission • Office of Fair Trading • Queensland Ombudsman • Electrical Safety Office • Chief Gas Inspector • Residential Tenancies Authority 	Other Government investigation and dispute resolution agencies. Representation and advocacy to resolve concerns of constituents.	Other jurisdictional dispute resolution schemes. Organisations with safety and responsibilities for electricity, gas and water issues. Representation and advocacy on behalf of constituents who have an issue with their energy or water supplier.
Customers, community organisations and welfare associations including: <ul style="list-style-type: none"> • Queensland Consumers Association • Queensland Council of Social Service • Salvation Army • St Vincent De Paul • Lifeline • Identified community agencies 	Key consumer and welfare agencies representing the interests of customers.	Advocacy and representation on behalf of electricity, gas and water customers in Queensland.
Queensland domestic and small business electricity, natural and reticulated gas and water customers	Concerns with actions or decisions of energy or water supplier. General advice, information and referral service.	Seeking assistance from the Energy and Water Ombudsman to resolve an issue with their energy or water supplier.

How we inform energy and water customers of our existence and role

EWOQ continually develops and implements a range of communications, public relations and media related activities to ensure the provision of appropriate information to energy and water customers, scheme participants and other stakeholders.

Our standards

EWOQ was established under the following broad principles.

- Equality of accessibility to the public/customer (regional customers have access to regional Energy and Water Ombudsman offices).
- Accountability to the Queensland public.
- Responsibility for analysing and reporting on systemic faults and issues affecting customers.
- Customer friendly.
- Rapid response and decision making time.
- Minimal legal processes.
- No cost to the consumer.
- Best practice complaints handling.
- Identification of hardship customers and those in exceptional circumstances.
- Appropriate recruitment and training of EWOQ staff to deal with complaints.
- Ascertain customer satisfaction levels upon resolution of complaints.
- Development of user-friendly customer information and its translation into other languages.
- Provision of online complaint information and ability to lodge complaints online.
- Continuous improvement of the complaints handling process to ensure it is efficiently and effectively delivering outcomes.

Independence

The role of EWOQ is to protect the rights of small energy and water customers through the resolution of disputes between those customers and scheme participants. To achieve that role, the Energy and Water Ombudsman will apply jurisdictional and legislative authorities as provided in the *Energy and Water Ombudsman Act 2006*. The Energy and Water Ombudsman will use best endeavours to protect customer rights, but this does not extend to a consumer advocacy role. The Energy and Water Ombudsman will utilise procedural fairness in investigating and resolving disputes, and treat energy and water customers and scheme participants in a fair and unbiased manner. The Energy and Water Ombudsman is appointed by the Governor-in-Council, and must not hold any office of profit or engage in any remunerative employment outside the duties of that office.

Internal and external review

The Energy and Water Ombudsman reports on the following key performance indicators:

- time taken to resolve each matter (enquiry/referral – complaint – dispute)
- the number of disputes between customers and electricity, reticulated gas and water entities referred to the Energy and Water Ombudsman, specifically the number requiring:
 - investigation
 - conciliation, and
 - determination, and
- percentage of complaints resolved in a specified timeframe.

In addition, a biennial survey will be conducted to determine the level of customer satisfaction with the performance of the EWOQ Scheme.

We will provide and publish an annual report on our performance against these indicators.

Operating target timeframes

- 80 per cent of cases closed < 28 days.
- 90 per cent of cases closed < 60 days.
- 95 per cent of cases closed < 90 days.
- < 5 per cent of cases closed over 90 days.
- > 80 per cent of customers and scheme participants satisfied with the knowledge, skills and expertise of EWOQ staff.
- Final orders – prepared and published within 30 business days (of allocation to the Energy and Water Ombudsman for determination).

Operating funding model

EWOQ is fully funded by entities through participation fees and user pays fees charged to scheme participants.

EWOQ is required to prepare a budget before 31 March each year for the next financial year. This budget is prepared in consultation with the Advisory Council to the Energy and Water Ombudsman. Budgets are not effected until after the Minister responsible for energy and water utilities has approved them.

All scheme participants must pay an annual participation fee for each type of connection and retail service they provide.

The user-pays fees are calculated in advance, and use a forecast of both the scheme participant's likely use of the scheme and the forecast costs to operate the scheme for the coming quarter. A reconciliation is done twice a year to reflect actual year-to-date costs and each scheme participants' actual year-to-date use of the scheme.

Membership fees

An annual membership fee of \$5,000 per product (electricity and/or gas, or water) will be charged to each scheme participant. EWOQ will issue an invoice for these fees to existing scheme participants at the start of each financial year. If energy entities become scheme participants during a financial year these fees will be pro-rated and an invoice issued within 14 days of receipt of notification of scheme participation form. An energy retailer becomes a scheme participant when it enters into a contract for the provision of customer retail services to a small energy customer.

User pays fees

EWOQ prepares budget guidelines each year that outline the specific methodology for calculating the various user-pays fees relevant to that financial year. Following endorsement from the Advisory Council and approval of the EWOQ Executive Management Group, these guidelines are provided to each scheme participant. Further copies of these documents are available from the EWOQ website.

The user pays fee structure is based on the upgrading of a dispute, which takes into account the time spent dealing with a matter. User pays fees are categorised by six levels of scheme participant contact:

1. Refer back to supplier – the matter needs to be referred back to the scheme participant for action.
2. Refer to higher level – the matter is referred to a higher level within the scheme participant's organisation before commencement of an investigation with EWOQ.
3. Level one investigation – EWOQ staff are required to contact the scheme participant to

investigate the matter and spend 240 minutes or less to resolve a complaint.

4. Level two investigation – EWOQ staff have spent more than 240 minutes and no more than 480 minutes specifically on the complaint investigation.
5. Level three investigation - When EWOQ staff have spent more than 480 minutes on the complaint investigation the complaint will escalate from a level two to a level three complaint.
6. Final order - If the dispute cannot be resolved through negotiation or conciliation, the Energy and Water Ombudsman may decide to make, or refuse to make, a final order against the supplier to resolve the dispute.

There are also two levels of contact that will be recorded and reported by EWOQ, however due to the nature of these contacts they will not be directly billable to scheme participants. These levels are:

1. General enquiries – when a matter can be dealt with directly, by the Energy and Water Ombudsman’s office and the matter is not specific to an individual scheme participant, and
2. Referrals – when a matter is referred to another agency as the complaint is not within the jurisdictional responsibilities of EWOQ.

Unforeseen expenditure

If because of either unforeseen expenditure or a revised budget it is deemed necessary to apply supplementary fees to scheme participants, a regulation may be imposed for the amount the Energy and Water Ombudsman considers necessary.

Annual report

The Energy and Water Ombudsman will provide an annual report to the Minister responsible for energy and water utilities on the operations of the EWOQ at the end of each financial year. The annual report will also be distributed to stakeholders and published on the EWOQ website www.ewoq.com.au

Feedback on our service

EWOQ welcomes suggestions from customers on ways to improve services and performance. We encourage customers and stakeholders to inform us if they are unhappy with our service. Staff will treat complaints seriously and will respond accordingly. Customers can help staff address their concerns by identifying the exact nature of their problem and contacting the staff member who dealt with their initial complaint. If customers do not feel that the matter can be resolved by that staff member, they should ask to speak to a manager.

Those who remain dissatisfied can submit their complaint in writing to the Energy and Water Ombudsman Queensland at:

- PO Box 3640, South Brisbane Queensland 4101, or
- email info@ewoq.com.au

How to contact us

EWOQ can be contacted on freecall 1800 662 837. This allows Queensland customers, regardless of where they live in the state, to telephone EWOQ at no cost (calls from mobile phones may attract charges).

EWOQ's services and contact details are communicated to the public via media releases, the EWOQ website, communication materials such as brochures, energy and water retailer's final disconnection notices, and through other government agencies such as Queensland Government Agent Program office and the Queensland Ombudsman's office.

Office hours are 8.30am to 5pm. Customers who call outside these hours are directed to the EWOQ website and are also encouraged to leave a message on the answering machine for our staff to attend to on the next business day.

Contact EWOQ:

Freecall: 1800 662 837

Website: www.ewoq.com.au

Email: complaints@ewoq.com.au or for general enquiries info@ewoq.com.au

Mail: PO Box 3640, South Brisbane QLD 4101

Fax: (07) 3006 2670

Locations:

- **Brisbane** – Level 9, 179 North Quay
- **Cairns** – Level 1, 15 Lake Street
- **Rockhampton** – Level 2, 212 Quay Street