

Scheme participant manual

February 2019

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About EWOQ

Establishment of EWOQ

Energy Ombudsman Queensland (EOQ) was established on 1 July 2007 to provide an independent dispute resolution service for Queensland's energy consumers, following the introduction of full retail competition in the energy sector.

In January 2011 as part of the second stage of the south east Queensland water sector reforms, the Energy Ombudsman dispute resolution scheme was expanded to incorporate water and wastewater dispute resolution services for small customers in south east Queensland, and EOQ became Energy and Water Ombudsman Queensland (EWOQ).

In 2015-16 we saw the expansion of our jurisdiction to include small businesses using up to 160 megawatt hours of electricity per year. In addition, EWOQ became a recognised external dispute resolution scheme under the Office of the Australian Information Commissioner, enabling us to handle disputes regarding privacy breaches by energy companies and credit reporting bodies.

EWOQ is committed to providing an effective, high-quality, fair and confidential service for residential and small business energy customers across Queensland and small water customers in south east Queensland who are unable to resolve a dispute with their supplier.

We deliver a dispute resolution service for issues including, but not limited to payment difficulties, account disputes, disconnections, damages, market conduct, contract issues, vegetation management, supply quality and reliability, time delays in extensions to supply, connection of supply, Guaranteed Service Level rebates, water restrictions and equipment issues.

EWOQ offices are located in Brisbane, Cairns and Rockhampton, giving us the ability to work directly with Queensland consumers and suppliers in the investigation and resolution of complaints.

Energy and Water Ombudsman Act

EWOQ was established by the *Energy and Water Ombudsman Act 2006* (the Act) which received assent in December 2006.

The Act established:

- The EWOQ office to provide Queensland's small energy customers in Queensland and small water customers in south east Queensland with a way to have their disputes with electricity, gas or water suppliers investigated and resolved.
- EWOQ's dispute resolution processes, functions and powers, including the Energy and Water Ombudsman's powers to make binding orders against energy or water suppliers.
- The Advisory Council to EWOQ which provides advice to the Energy and Water Ombudsman on policy and procedural issues and to the Minister responsible for energy and water on issues relating to the funding of the Energy and Water Ombudsman office.
- The funding arrangements for the scheme, including fees to be paid by scheme participants to fund the operations of the Energy and Water Ombudsman office.

Functions and jurisdictions

For energy disputes, small customers are either residential customers (except those being provided with energy by an on-supplier) or small business customers whose consumption is less than 160 megawatt hours per annum (approx. \$45,500) 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,
- transfer, or
- privacy breaches of an individual by a scheme participant

Not all disputes between energy or water customers and suppliers fall within the jurisdiction of the EWOQ. Memoranda of Understanding (MOU) have been put in place between EWOQ and:

- Queensland Competition Authority
- Queensland Ombudsman
- Office of Fair Trading
- Department of Natural Resources Mines and Energy
- Australian Energy Regulator Australian Competition and Consumer Commission
- Australian Energy Market Commission

EWOQ cannot assist customers with unresolved complaints about:

- the fixing of prices or tariffs
- a customer contribution to the cost of capital works (Australian Energy Regulator)
- home suite products such as air conditioners, hot water systems and home electrician services offered by electricity retailers (Office of Fair Trading)
- reticulated bulk hot water (Office of Fair Trading)
- on-selling of electricity to tenants in caravan parks, retirement villages and other multi-tenanted dwellings (Residential tenancies Authority)
- bottled LPG (liquefied petroleum gas) (Office of Fair Trading)
- pensioner rebates (Department of Communities)
- solar rebates (Department of Natural Resources Mines and Energy)
- small businesses consuming over 160 megawatt hours of electricity per annum
- small businesses consuming over one terajoule per annum of gas per annum
- water consumption for a non-residential customer over 100 kilolitres per annum (Queensland Ombudsman)
- 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 (Distributor-retailer)
- storm-water harvesting
- stand-alone recycled water (i.e. recycled water other than dual reticulation).

Performance measures and targets

We aim to:

- complete 95 per cent of complaints received (within a financial year, and the rest to be completed as soon as possible)
- achieve an 80 per cent satisfaction rate amongst customers who contact us with an electricity, gas or water complaint requiring investigation, and
- have less than two per cent of complaints progress to the Energy and Water Ombudsman for a final order.

Operating performance measurement

- 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

Performance indicators

EWOQ systems measure and report on performance according to the following key performance indicators.

- Time taken to resolve each matter (Enquiry, Complaint Referral, Refer Back, Referral to Higher Level, Complaint Investigation, Determination)
- The number of disputes between customers and energy suppliers referred to EWOQ, specifically:
 - the number requiring investigation
 - the number requiring determination.
- Percentage of complaints resolved in specific timeframes.

Performance evaluation

EWOQ engages an independent research company to conduct biennial customer satisfaction surveys. Customers are questioned about our performance against the benchmarks for industry-based customer dispute resolution schemes of:

- Benchmark 1: Accessibility
- Benchmark 2: Independence
- Benchmark 3: Fairness
- Benchmark 4: Accountability
- Benchmark 5: Efficiency
- Benchmark 6: Effectiveness

Organisational structure

EWOQ has three teams who work under the leadership of the Energy and Water Ombudsman.

Assessment, Investigation and Resolution

- Led by the, General Manager Assessment, Investigation and Resolution.
- Has three regional offices located in Brisbane, Rockhampton and Cairns.
- Is responsible for the day-to-day dispute resolution and investigation of complaints and identifying systemic issues.
- Oversees the quality assurance process for EWOQ and the identification of potential systemic issues.
- The South Queensland region encompasses the Gold Coast to the south, Gympie to the north, and west to the South Australian border.
- The Central Queensland region covers the area north of Gympie to Mackay and west to the Northern Territory border.
- The North Queensland region is north of Mackay (including the Torres Strait islands) to Mount Isa in the west.

Business Support

- Led by the General Manager Business Support.
- Provides the essential services for the day-to-day running of EWOQ, including finances, records management, information technology, human resource services and administration.
- Provides training and professional development to staff.
- Provides secretarial support to the Advisory Council.

Reporting, Policy and Research

- Led by the General Manager Reporting, Policy and Research
- Responsible for leading and coordinating research, analysis and strategic advice and development on complex policies and emerging issues.
- Manages the development and implementation and analysis of internal and external surveys on behalf of EWOQ.

EWOQ has the following internal governance committees:

- an Executive Management Group (EMG) made up of the Energy and Water Ombudsman, General Manager - Assessment, Investigation and resolution, General Manager Business Support and General Manager, Reporting, Policy and Research
- an Information Steering Committee made up of a number of EMG members, and other EWOQ staff and officers from our external corporate shared service provider, and
- an Audit and Risk Committee made up of two external members and the General Manager Reporting, Policy and Research and the Manager Finance.

Privacy

Under the Act and the *Information Privacy Act 2009* EWOQ is only allowed to assist the actual energy account holder, unless permission, either written or verbal, has been given to act on someone else's behalf – this must be clarified with the caller (the account holder may provide verbal permission for someone else to speak on their behalf, such as a parent or welfare agency).

Consistent with the Right to Information Act, EWOQ provides access to information held by this office unless, on balance, it is contrary to the public interest to provide the information. This approach has resulted in a significant reduction in the number of formal Right to Information (RTI) applications received by the office. To

assist staff in understanding and discharging their obligations extensive training is provided in both RTI and Information Privacy principles.

Requests for case related information under the Right to Information Act 2009 and/or Information Privacy Act 2009

Consistent with the Right to Information Act, EWOQ provides access to information held by this office unless, on balance, it is contrary to the public interest to provide the information.

It is EWOQ policy to release information under the Administrative Access Scheme, where possible and when requested by the customer. Requests for case related documentation will only be released once the case is closed. Common documents released include, telephone recordings, responses to Notice of Investigation, Notice of Closure, account reconciliation, TOHT reports redacted to only release the case customer's information. Scheme Participant third party information is redacted from the documents released. A consultation period is provided to the Scheme Participant to liaise with the EWOQ Right to Information and Information Privacy Officer prior to release of the documents. From time to time formal requests to access information under Right to Information or Information Privacy are received, these formal requests are processed in accordance with the Right to Information Act 2009 and Information Privacy Act 2009. Further information about the EWOQ Right to Information and Information Privacy responsibilities can be found on the EWOQ website at [EWOQ - Right to Information](#).

Scheme participation

To ensure that energy and water suppliers operating in Queensland abide by relevant legislation, regulations and codes, and act in a manner which recognises the rights of all customers, all licensed energy distributors and retailers who supply Queensland's small energy customers and water distributor-retailers and withdrawn councils who supply south east Queensland small water customers must become EWOQ scheme participants. Section 64 of the Act defines in further detail the requirements for both energy and water entities to become EWOQ scheme participants.

Energy distributors are required to become scheme participants as soon as they are granted a distribution license in Queensland. Energy retailers are required to become scheme participants within 10 days of entering in to a contract with a Queensland small customer (energy) as defined in section 6 of the Act. Distributor-retailer water entities, as defined under the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 are required to become scheme participants from 1 January 2011 and for withdrawn councils from 1 July 2012.

Scheme participants must include EWOQ's contact details on final disconnection notices or restriction notices. Below is an example of EWOQ contact details for final disconnection notices and restriction notices:

If you are experiencing difficulty paying this account, please contact us on [retailer's phone number] as we may be able to offer a payment plan that suits your needs. If your issue is still unresolved after speaking to us, you can contact the Energy and Water Ombudsman Queensland on 1800 662 837; a free, fair and independent dispute resolution service who may be able to assist. If you have already paid this account, thank you and please disregard this advice.

Further information on the financial and administrative aspects of scheme participation can be found under the Financial and Administrative Guide of this manual.

Advisory Council

The Advisory Council to the Energy and Water Ombudsman Queensland (Advisory Council) is established by the Minister responsible for energy and water utilities under the provisions of the Act, to provide expert advice to the Energy and Water Ombudsman on the effective and efficient conduct and operation of the EWOQ scheme. This helps to ensure the scheme is administered in a manner which is fair and just to consumers and suppliers.

The Advisory Council:

- monitors the Energy and Water Ombudsman's independence
- advises the Energy and Water Ombudsman on policy, procedural and operational issues relating to the *Energy and Water Ombudsman Act 2006*,
- advises the Energy and Water Ombudsman on the preparation of budgets, guidelines and annual reports, and

- advises the Minister on the funding of the energy and water ombudsman's functions.

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 consumer 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 consumers (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.

For a list of current [Advisory Council members](#) and to view the [Advisory Council Handbook](#) or, visit www.ewoq.com.au.

ANZEWON and ANZOA

The Ombudsman is a member of the Australia and New Zealand Energy and Water Ombudsman Network (ANZEWON) and the Australian and New Zealand Ombudsman Association (ANZOA).

Being a member of ANZEWON provides an opportunity to work closely with other energy and water ombudsman offices at a national level. One role of ANZEWON is to ensure operational consistency amongst ombudsman offices due to the many national energy retailers (scheme participants) we have in common. Of course, not all operations can be exactly the same across states due to the different jurisdictional responsibilities, geographical nature and complaint types unique to each state.

ANZOA is a broad network of both industry and parliamentary ombudsman which enables exchange of information and ideas about best practice models. Ombudsman staff from the various national and state-based ombudsman schemes works together across a range of similar issues including policy, public relations, learning and development, and community outreach strategies.

Dispute resolution process

Assessment, Investigation and Resolution team

EWOQ has three regional offices located in Brisbane, Cairns and Rockhampton which are led by Regional Managers who report to the General Manager - Assessment, Investigation and Resolution. The regional offices are responsible for the day-to-day dispute resolution functions of EWOQ.

Dispute resolution contact details

EWOQ has established a generic dispute resolution email address, investigation@ewoq.com.au, for scheme participants to contact investigation staff. This enables all responses to be actioned in the event of staff absences or unavailability.

Case terminology

Cases	All contacts with EWOQ including enquiries and complaints.
Enquiries	A customer is seeking generic information not specific to an EWOQ scheme participant.
Complaint investigations	Electricity, gas and water complaints that require investigation by EWOQ.
Complaint referrals	<i>Refer back to supplier</i> If a customer has not been in contact with you, or given you a reasonable opportunity to resolve the complaint directly, we refer them back to you.

	<p><i>Referral to higher level</i></p> <p>If a customer agrees, we will escalate routine problems to a higher level within your organisation before starting an investigation with EWOQ.</p>
	<p><i>Referral to other agency (MOU agency)</i></p> <p>If the matter raised is not within the jurisdictional responsibilities of EWOQ, it will be referred to another agency.</p>

Complaint investigations

Electricity, gas and water complaints that require investigation by EWOQ.

Complaint referrals

Referral back to supplier
If a customer has not been in contact with you, or given you the opportunity to resolve the complaint directly, we refer them back to you.

Referral to higher level
If a customer agrees, we will escalate routine problems to a higher level within your organisation before starting an investigation with EWOQ.

Referral to other agency
If the matter raised is not within the jurisdictional responsibilities of EWOQ, it will be referred to another agency.

Complaint investigation process

Level 1 complaint investigation

If EWOQ spends 240 minutes or less to resolve a complaint, it is classed as a level one complaint. Where possible, scheme participants will be advised when a case has exceeded 180 minutes and approaching the maximum 240 minutes for this level of complaint.

Level 2 complaint investigation

If EWOQ has spent more than 240 minutes and no more than 480 minutes specifically on the complaint investigation, a complaint will escalate from a level one to a level two complaint. If a complaint has been escalated from level one to level two due to non-compliance, no more than 240 minutes will be spent on it at level two. Where possible, scheme participants will be advised when a complaint has exceeded 420 minutes and is approaching the maximum 480 minutes for this level of complaint.

Level 3 complaint investigation

When EWOQ has spent more than 480 minutes on the complaint investigation the complaint will be classed as a level 3 complaint. A complaint will escalate from a level two to a level three complaint when more than 240 minutes has been recorded against the complaint at level 2.

Further details of the costs associated with each type of case can be found in the Financial and Administrative Guide section of this manual; however, the cost of the complaint increases as it progresses from one level to the next level.

Complaints are upgraded from one level to the next as a result of one of the following:

- the time spent by EWOQ officers on the investigation as outlined above,
- due to scheme participants not responding to EWOQ notices within the timeframe stipulated,
- due to scheme participants not providing information requested through an EWOQ notice of investigation,
- due to scheme participants not complying with the requirements of the EWOQ scheme.

The decision to escalate a complaint due to non-compliance resides with the EWOQ Regional Manager. Whilst complaints escalated for non-compliance are appealable, complaints escalated based on time are not appealable. Further details about the escalation process can be found at Appendix 1.

Time spent on an investigation might include the number of minutes spent:

- conversing with the customer, scheme participants and third parties such as community agencies
- recording file notes of conversations, research and analysis
- reviewing relevant legislation, accounts, contracts, licenses, designs etc.
- discussing the matter with a supervisor and/or manager (accounting also for their time)
- preparing correspondence or reports
- on site visits for conciliation meetings.

Time that would not normally be recorded against a complaint might include:

- travel to and from site visits, meetings or conciliations
- investigation team casework meetings at which the matter might be discussed
- research of a general nature that will apply beyond the individual matter
- the involvement of any investigation team members in a matter for training or professional development
- any involvement by EWOQ staff not a direct part of the investigation.

Any questions about the time spent on a case should be directed to the relevant Regional Manager and not the Investigation Officer concerned. In such circumstances the Regional Manager will review the case file and discuss the issue with the scheme participant. It is not time effective, practical or appropriate for EWOQ to supply a breakdown of minutes spent on individual cases to scheme participants.

Case escalation process

1. EWOQ Investigation Officer is unable to resolve complaint with energy or water provider representative.
2. Complaint is escalated to EWOQ Regional Manager for negotiation with energy or water provider team leader/manager.
3. If complaint is still unable to be resolved, the complaint is referred to EWOQ General Manager Assessment, Investigation and Resolution for negotiation with energy or water provider senior management.

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.

Complaints resolution process

Taking complaints

When a customer contacts EWOQ we will determine if they have given their energy or water supplier a reasonable opportunity to resolve their complaint and if we can assist with their type of complaint. If so, they will be assigned an investigation officer who will commence an investigation into the issues raised with the energy or water entity.

EWOQ will record all incoming and outgoing case related telephone calls for case management, quality and training purposes. If you wish to have a confidential discussion with a Manager within your agency will need will need to contact an EWOQ Regional Manager.

Referral to Higher Level

After initial contact with the customer and if the customer agrees, EWOQ can refer the complaint to you and have an officer at a higher level from your organisation contact the customer within a maximum of five business days to discuss the customer's concerns and attempt to resolve the complaint with the customer directly.

If you are unable to speak to the customer, EWOQ will request that you contact the customer within a maximum of five business days, be it by telephone or email within three business days or by mail contact within five days. Either way, the case will be managed by your customer advocacy area (which is the area that EWOQ directly liaises with) and therefore it will be managed at a higher level by a senior officer within your organisation.

If for some reason the customer is not contacted within five business days, or alternatively the customer is not satisfied with the information provided or the action taken by you, the customer may again contact EWOQ and a new complaint will be established and escalated to the formal investigation process.

When the referral to higher level process is used to resolve a complaint, most matters are resolved at this level, very few are escalated to the formal investigation process and matters are resolved quicker.

Notice of Investigation and request for information/documentation

Once an investigation officer is assigned, they will provide you with a Notice of Investigation (NOI) which informs you that an investigation has commenced and provides you with the complaint details and background, and the due date for your response. The investigation notice may also outline, in accordance with s32 of the Act, that no action is to be undertaken against the customer, including disconnection, until the investigation ends.

To assist us to fully investigate each matter, we may request relevant information and documentation from customers and scheme participants. When EWOQ informs you that we are conducting an investigation of a customer's complaint, it is preferable that all relevant information is provided as soon as possible. This allows us to conduct an efficient and timely investigation. It is also important that we see copies of original documentation wherever possible.

Where appropriate, EWOQ will ask customers to provide documentation to support their complaint, for example details of their claim for damages resulting from a supply problem or copies of payment receipts. Under the Act, scheme participants are required to provide EWOQ with all documentation relevant to a customer's complaint within timeframes set out in the Notice of Investigation. This requirement does not extend to documentation containing confidential information of a third party who, despite the reasonable efforts of the scheme participant, has refused to disclose the information to EWOQ. Where any dispute exists as to the provision of any documents, the final decision rests with the Ombudsman.

When providing information to EWOQ in relation to a customer's complaint, it assists our investigation if you can:

- undertake a review of all of your information relating to the complaint
- provide us with an outline of any action you have taken to date to resolve the matter
- specify any action you propose to take to resolve the matter
- provide us with copies of original documents/screen dumps, with a covering letter explaining the relevance of this information. It may also be useful for some matters if you provide spreadsheets to explain billing adjustments etc.
- refer us, if appropriate, to other members of your organisation who may be able to assist us in our investigation, and
- provide reference to legislation and policy where these explain your organisation's position on a matter.

EWOQ will sometimes ask for supporting information to help us explain the circumstances of a matter to a customer. It is our experience that customers will often more readily accept an unfavourable outcome if the circumstances and decisions are fully explained by an independent party. Wherever possible, EWOQ will explain to you the relevance and need for any supporting information.

Interim orders

During the course of an investigation, the Energy and Water Ombudsman may order you (in the form of an interim order) to do, not do or stop doing a particular action concerning the dispute until the investigation

ends. For example, if the dispute involves non-payment of a bill, the order could be that, until the investigation ends, you must not disconnect the customer's power or restrict their water supply.

Assigning complaints to the energy retailer or distributor

Some complaints highlight difficulties in aspects of the energy retailer/distributor relationship. For example, a billing dispute where the retailer cannot obtain access to billing data or arrange a meter test or check read to resolve the complaint, or a customer complains about tree trimming and is referred to the energy retailer by the energy distributor.

EWOQ will determine who is in the best position to resolve the complaint – the retailer, distributor, or both. We may choose to open two cases for the one complaint if we deem that both the retailer and distributor are involved/responsible.

For example, if an energy customer made a complaint about their energy bill, EWOQ staff would contact the energy retailer responsible for issuing the bill. If the retailer was able to demonstrate that they had taken reasonable steps to try to resolve the complaint but were unsuccessful because of a lack of cooperation or information from the energy distributor, EWOQ may decide to also contact the distributor and open a separate case for them. All details of the contact between EWOQ and the retailer would be recorded on their case, and all contact between EWOQ and the distributor would be recorded on their case.

Customers who contact EWOQ more than once

Some customers who contact EWOQ do so more than once. We generally deal with these matters in the following ways.

- Different issue: If the customer has a different issue we open a new case. For example, the customer contacts EWOQ about a billing issue with a retailer and separately about a claim for compensation with a distributor.
- Similar issue, but different circumstances: In this situation, we will open a new case. For example, impending disconnection/restriction, but a reasonably long time between each disconnection/restriction and under different circumstances.

Resolving disputes

Most complaints lodged with us are resolved through negotiation or conciliation. Some investigations require:

- Site visits – Some matters require a site visit by an EWOQ Investigation Officer and/or independent consultant. In most circumstances you will be informed about such visits and, if the customer wishes, invited to attend. Site visits are often an efficient and economical means of progressing an investigation. Where any negotiations are likely to take place on site, EWOQ will normally provide an agenda for discussion on a preliminary report in advance to all relevant parties. EWOQ will also facilitate any discussions. In most circumstances, two Investigation Officers will attend a site visit due to workplace health and safety and other factors. Where significant travel is involved, you may be asked to pay for travel costs. EWOQ may also request you cover any costs associated with an independent consultant.
- Conciliation – In some cases, we have been asked by customers and scheme participants to conciliate a matter in dispute. This may involve an on-site meeting (or a meeting at EWOQ or another neutral venue). Conciliations are only conducted with the consent of the customer and scheme participant. Conciliation is a way to resolve a dispute in a timely and creative manner.
- Expert advice – If we are not able to negotiate a resolution between you and a complainant, and we believe there are grounds to pursue the matter further, we may seek independent expert advice to assist with our investigation. We will not engage an independent consultant until approval has been given by the EWOQ General Manager – Assessment, Investigation and Resolution. If requested, EWOQ will advise you of the basis for our decision to seek expert advice. If the consultant is required specifically and only for your customer's matter, EWOQ will generally invoice the cost of the consultant to your organisation. If the consultant is required to address a systemic or general issue across customers of more than one scheme participant, EWOQ will meet the cost.

Finalising cases

If the investigation can be resolved through negotiation or conciliation, a Case Closure Notice will inform you of the date the investigation closed and any outcomes/actions that resulted.

EWOQ considers a matter finalised when:

- an outcome has been negotiated between the customer and the scheme participant, for example payment arrangement to avoid disconnection/restriction, settlement of a claim, customer service payment, letter of apology or clarification from the company to the customer
- there is no further contact from the customer, despite at least two attempts to contact the customer to close the matter
- the customer is referred to a more appropriate body to deal with the matter we conclude that, on the basis of the information available, there are not sufficient grounds to take the matter further.

Where we cannot find sufficient grounds to continue an investigation, we will contact the customer to explain:

- the response from you
- the steps in our investigation
- the information reviewed
- advice from an independent consultant (if applicable), and
- our analysis of the information obtained and our conclusion.

Investigation outcomes

There is a range of actions/outcomes that can result from EWOQ's investigation into a complaint. Types of actions can include, but are not limited to, the following:

- apology made to customer from entity
- damages claim paid
- gesture of goodwill payment
- account reduction
- check reading
- ex-gratia payment made
- new account issued
- account correction
- account rebate
- payment extension
- fees waived
- refund provided
- quality of supply investigated
- vegetation trimming
- rectification works by entity
- meter test
- electricity, gas or water rebate backdated
- tree replanting
- vegetation management information
- vegetation works
- market contract cancelled
- CentrePay Direct Debit
- Disconnection/restriction process halted
- payment plan
- financial hardship program
- customer connected
- improved extension timeframe
- offer of supply extension
- reconnection of supply
- staff retrained/disciplined
- Guaranteed Service Level negotiated, or
- entity found to have acted appropriately and no further action necessary.

It is important to note that there can be more than one action negotiated per case, for example a meter test and an account reduction may result from the investigation into a complaint about a disputed account balance.

Final orders

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 relevant entity to resolve the dispute.

It is at the discretion of the Energy and Water Ombudsman as to whether a hearing will be held prior to making a decision. The Energy and Water Ombudsman will not, under the provisions of the Act, make a

decision on a complaint, if the Energy and Water Ombudsman considers the dispute to be not justified, frivolous or vexatious in nature.

If the Energy and Water Ombudsman decides to make an order in favour of the customer, the relevant entity can be ordered to:

- pay compensation to the customer (of up to \$20,000, or if the parties to the dispute agree, an amount no more than \$50,000)
- provide a non-monetary solution to remedy the dispute
- amend a stated charge
- end a negotiated contract with a customer, and/or
- carry out corrective work.

Prior to the Energy and Water Ombudsman making a final decision, a draft decision will be circulated to all affected parties for consideration and comment. The decision of the Energy and Water Ombudsman, and the reasons for the decision, will be in writing. The customer can choose within 21 days of receiving the decision to notify the Energy and Water Ombudsman in writing if they accept or do not accept the final order. If the customer does not notify the Energy and Water Ombudsman within 21 days, the decision becomes final and the customer and the relevant entity are bound by it. If the order is accepted, the entity can seek a review under the *Judicial Review Act 1991*.

If the customer elects not to accept the order, the order will not take effect. The Energy and Water Ombudsman must give the entity a written notice about whether or not the order has been accepted. The customer may file the accepted final order in a Magistrates Court. Alternatively, the Energy and Water Ombudsman may file the order on behalf of the customer. Once filed, the order is taken to be a judgment of that court for the stated action in favour of the customer, against the entity.

If the energy or water entity does not comply with a direction given for an order, under the Act, a maximum penalty of 100 penalty points (penalty points valued under the *Penalties and Sentences Act 1992 (Qld)*) may be applied. In addition, non-compliance may be referred to the appropriate regulator.

How we investigate different complaint types

We receive many different kinds of enquiries and complaints. This section outlines in brief how we might address common issues. Please note that all disputes handled by EWOQ are treated on an individual basis and the methods followed and outcomes can vary from case to case.

Payment difficulties (customer unable to pay their electricity, gas or water account)

The customer must initially contact their energy or water retailer to negotiate a payment plan, preferably prior to the due date of the account. If the customer is unable to arrange a suitable payment plan, they may contact EWOQ for assistance.

The EWOQ investigation officer will then find out from the customer, details of the amount owing, what payment arrangement they tried to set up with you and how they propose to pay the outstanding amount. Payment plans need to reflect the individual circumstances of the customer and their financial capacity to pay.

At times, negotiating a payment arrangement can be very difficult given the different and sometimes competing needs of entities and customers. Our intention when negotiating an arrangement with you and the customer is to prevent a disconnection or restriction from occurring. We also try to help you and your customer to move towards an agreement, we are helping to provide a mutually beneficial outcome.

We consider a range of factors including:

- your requirements for reconnection/continuation of supply
- the customer's billing and payment history and any previous payment arrangements
- the customer's offer of payment or resolution
- mitigating or special circumstances affecting the customer, for example a recent redundancy, or unusually high bill
- any assistance the customer is seeking, for example access to schemes such as the Home Energy Emergency Assistance (HEEA) scheme or financial counselling
- any payments the customer has been making
- payment options that will assist the customer in keeping to a payment arrangement, for example Centrepay, direct debit, temporary payment plan, and
- impact the next bill will have on the payment arrangement.

Sometimes customers provide very sensitive information to EWOQ about their circumstances, for example illness, domestic violence or imprisonment. In most cases it is not appropriate for us to pass on this information to you. However, we will indicate that there are special circumstances in particular cases and negotiate with you on this basis.

Investigation officers are encouraged to refer matters to a more senior staff member whenever they are unable to come to a satisfactory arrangement between you and the complainant. We also encourage you to speak with a supervisor or senior staff member within EWOQ if you have any concerns about a matter.

An important part of EWOQ's role is to try and help customers break the 'disconnection cycle'. We look for ways in which we can help the customer address any ongoing problems that make them vulnerable to disconnection or water restriction, such as referring them to your customer assistance and hardship programs, a financial counsellor, or providing information about ways they can save energy or water. We would appreciate you working with us in this area.

To assist with the payment of future accounts, you may be able to suggest advanced payment plans such as direct debits or Centrepay arrangements which are weekly or fortnightly deductions from the customer's bank account or pension account to assist the customer to pay their account.

Sometimes a customer will contact EWOQ again if a payment arrangement has broken down and they are facing disconnection/restriction. EWOQ aims to avoid customer disconnection/restriction wherever possible. EWOQ officers will try to negotiate arrangements between customers and entities as far as possible and reasonable. If these arrangements break down due to the circumstances beyond the control of customers, we will generally try to negotiate a further payment arrangement. If arrangements break down because a customer has not taken any of the agreed actions, EWOQ will generally explain to the customer that it cannot take the matter further. In such cases, EWOQ will advise customers to seek the help of a community worker or financial counsellor, and invite them to contact us or their provider when they have a realistic payment proposal.

Disconnection/restriction of supply

EWOQ officers treat disconnections/restriction of supply as a matter of urgency. Our initial contact with you will be by telephone, with a follow-up email. A customer may contact EWOQ for assistance if they have had their supply disconnected or water restricted. Customers who have contacted EWOQ after being disconnected/restricted usually do not have the financial capabilities to pay the full amount together with the reconnection fee. Because most retailers will charge a reconnection fee and usually increase the customer's security deposit, EWOQ will usually be required to negotiate a payment plan to have supply reconnected/unrestricted.

Under the provisions of Rule 119 of the National Energy Retail Rules (the NERR), a distribution entity may disconnect or refuse to connect or reconnect a small customer under Rule 122 of the NERR. Further, Division 2 of the NERR states that a retail entity may arrange for disconnection of supply to a small customer's premises.

For small water and wastewater customers under s12 of the South East Queensland Customer Water and Wastewater Code (the Water Code) the distributor-retailer may restrict supply to a small customer's premises if the customer has not paid a charge for the water service. Supply may also be restricted if a customer fails to comply with a payment plan 2 or more times within a 12-month period (for example, the customer has not paid an instalment by the agreed time).

However, a premises may not be restricted if the premises is registered as a special needs premises or a Local Fire Ban or State of Fire Emergency has been declared in the area in which the premises is located.

Information must be obtained from the customer as to a proposed payment plan:

- how much can the customer pay, and
- when the customer can make the payment.

EWOQ will telephone the following details through to you and follow up with an email:

- name of customer
- current address
- account number (and address if it is different from the customer's address)
- amount outstanding
- history of the customer's payment of account

- reason for extension to be approved, and
- suggested payment plan.

EWOQ requires you to provide the following details in response:

- details of account including statement of customers account for the previous 12 months
- date of reminder notice
- date of disconnection/restriction notice, and
- evidence that the entity had contacted the customer and offered a payment arrangement in cases raised by EWOQ.

EWOQ will usually suggest advanced payment methods such as Direct Debits – weekly or fortnightly deductions from the customer’s bank account.

EWOQ negotiates on the complainant’s behalf with you for payment of outstanding accounts. It should be remembered that EWOQ can instruct the entity to stop the disconnection/restriction until the investigation is completed.

If a customer has been disconnected/restricted and EWOQ is able to get supply reconnected/restored, the customer may be required to pay the reconnection fees.

You may require a small customer to provide a security deposit, including an increased security deposit. The customer must pay the security deposit within five business days after you made the request.

However, you must not request a security deposit from a residential or small business customer if they have a satisfactory account payment history.

High accounts

A large number of complaints referred to EWOQ relate to customers disputing an account. In our experience, investigating a disputed account can be a complex process given the different variables involved and the number of factors that can affect a customer’s account.

EWOQ works with customers and scheme participants to review the accuracy of the customer’s bill. Generally, we will request that you put a hold on any disconnection/restriction action in relation to the account while we investigate the customer’s complaint. We will suggest to the customer that they pay any amount that is not in dispute. If you have any concerns about putting a hold on the account, you should advise the EWOQ Investigation Officer immediately.

In accordance with EWOQ’s Payment of amounts not in dispute policy, when a complaint is made about a high or disputed bill EWOQ staff will establish with the customer which part of the bill is in dispute. Subject to the customer’s financial capacity to pay, EWOQ will require the customer to agree to pay that part of the bill not in dispute or an amount equal to the average amount of the customer’s bill in the previous billing periods before an investigation commences.

The undisputed amount may be paid in one payment, several smaller payments, or through regular ongoing instalments.

Once an agreement has been reached as to the amount to be paid, and the terms of the payment/s, EWOQ will:

- confirm the agreement in writing to the customer and the scheme participant
- ask the scheme participant to keep EWOQ informed of the progress on account balances and adherence to payment arrangements
- regularly review whether payments are being made, with the customer and the scheme participant, and
- where payments are not made, remind the customer of the need to make payments.

After we have received and reviewed information provided by you and the customer, we may ask you to conduct additional checks such as a meter check read. The EWOQ officer involved may organise a site visit to discuss the customer’s energy usage problems.

The following are examples of possible investigation outcomes.

- We advise the customer that we have been unable to identify any cause of the disputed account, or any problem with the provider’s bill, and that it therefore appears they are liable for the account. We will offer to assist the customer to enter into a payment arrangement if necessary.

- If an error is identified, we will discuss ways to resolve the error, for example an adjustment to the account with an explanation of the error.
- If no errors are identified, but the customer has been significantly disadvantaged by the circumstances surrounding the account, we may ask you to consider a customer service payment or any other response as appropriate in the circumstances of the case.
- If the investigation reveals that the bill has appeared high for reasons other than increased consumption, such as a transferred debt, an estimated account or a billing problem, we may ask you to provide a written explanation to the customer.

If EWOQ concludes that a bill appears to be correct, we will try to assist the customer by providing information on how to better manage their consumption. We will usually provide them with information on saving energy or water.

At times we may find that the cause of a high bill relates to matters that are not within our jurisdiction, for example an issue for a tenant to take up with their landlord. In these cases, we will refer the customer to the appropriate organisation, for example, the Residential Tenancy Authority for tenancy matters.

We encourage you to take an active role in this process, for example providing expert information on ways that the customer can reduce their usage.

During the investigation, EWOQ will speak with the customer about issues such as:

- history of accounts (relevant period in previous year)
- installation of new appliances, particularly heating and cooling appliances such as heaters and/or air-conditioning or a new swimming pool
- anything different in the house that may cause an increase, or
- any levies placed on the account (ambulance levy, pensioner rebates etc).

We require you to provide the details of the account including a statement of the customer's account for the previous 12 months, payment history, payment plan, security deposit held and a billing summary.

If a customer believes that they have been overcharged or the meter has been read incorrectly, EWOQ will seek clarification from the customer as to why they believe that to be the case. It is usual for accounts to reflect the seasonal conditions depending on their circumstances and on the appliances used for heating and cooling etc. When comparing accounts, it is useful to compare consumption for similar billing periods in previous years.

Increased energy consumption usually indicates that a customer has been using additional electrical appliances – particularly in the winter months (heaters) and summer months (air-conditioners). A customer may be using extra water on gardens or topping up swimming pools during the summer months.

In accordance with Rule 29 (5) and (6) of the NERR, the energy entities can also test the meters at a cost to the customer. However, EWOQ can request a meter test at no cost to the customer if we believe it is justified in the circumstances.

In accordance with s21.4 of the Water Code, the water entity can test the meter at a cost to the customer. However, EWOQ can also request that a water entity undertake a field test of the meter at no cost to the customer.

It is unusual that a faulty electricity, gas or water meter will cause increased consumption as faulty meters have a tendency to slow down rather than speed up.

The customer is responsible for their consumption. Also, customers are responsible for faulty wiring and the meter box or water leaks on the customer's side of supply (past the point of attachment).

EWOQ is aware that scheme participants have energy or water advisors who can provide advice to customers on their consumption and ways to minimise consumption which ultimately is reflected in lower accounts.

Energy contract and marketing issues

Customers may contact EWOQ if the customer has been contacted by a marketer representing an energy retailer and the customer has raised concerns over the contract that the marketer has sold the customer. These concerns could be, for example, that the customer is not satisfied with the terms and conditions of the

contract or the customer has not properly understood the conditions of the contract and is now seeking to terminate the contract.

Customers will be approached by marketers attempting to sign up customers to negotiated market contracts.

In accordance with Rule 47 of the NERR, a retail entity must ensure that in each negotiated retail contract it enters into with a customer, the customer has the right to rescind that contract with the 10 business day cooling-off period. This cooling-off period commences on, and includes, the date of receipt by the customer of the Written Disclosure Statement provided in respect to the negotiated contract. The cooling-off period will commence the next business day and expires 10 business days later. For example, if a contract is signed on Wednesday 19 September, the first day of the cooling-off period is Thursday 20 September and the last day of the cooling-off period is Wednesday 3 October. The contract takes effect on Thursday 4 October.

Written Disclosure Statement

Under Rule 63 of the NERR, information required to be provided to a customer before the formation of market retail contract may be provided electronically, verbally or in writing. Under Rule 64 of the NERR, the required information that a retail marketer is to provide to a small customer includes key terms in the contract, prices, service levels, bill frequency, duration of the contract, payment methods, fees and any termination charges that may apply. The required information, when given in a written disclosure statement must include or be accompanied by a copy of the market retail contract.

Standard retail contract

Energy customers who receive the government set tariff price will be on a standard retail contract. Those customers who do not wish to enter the contestable market with their retailer will automatically be on a standard retail contract.

Questions EWOQ may ask you in relation to a marketing investigation can include:

- Details of the transfer process followed by you in transferring the customer. Please provide all relevant transfer information, including Australian Energy Market Operator (AEMO) – Market Settlement and Transfer Solution (MSATS) screens
- Details regarding how you have complied with the relevant Retail Market Conduct Code when transferring the customer
- Copies of all relevant recordings of communications between you or your agents (including marketer name) and the customer
- Copies of all relevant contracts/documentation on which you relied on in transferring the customer
- Information regarding any other relevant communications with customers
- Details and results of any investigations that you have undertaken in response to the issues raised
- Any suggestions you may have to facilitate the resolution of this matter.

Compensation claims

Some of the complaints referred to EWOQ relate to customer claims for compensation that have been denied by scheme participants. In most cases, the claims relate to damaged appliances/equipment or loss of product where the customer is seeking compensation from their supplier. In some cases, the claims relate to business loss.

When reviewing a compensation claim that has been denied, EWOQ will generally send you a copy of the customer's request for review to allow you to consider any new information the customer has provided, and advise us if you wish to settle the claim at this point. If you do not settle the claim at this stage, EWOQ will request information from you and the customer to try to establish whether a loss was suffered, the cause of the loss and whether it is reasonable for compensation to be considered.

To assist us with our investigation, and to allow for greater consistency, we will request a range of information from you, including:

- details of network events
- reports of natural events, e.g. storms, floods
- information about known problems in the customer's area, and
- your basis for denying the claim, including a technical summary if appropriate.

In reviewing claims for compensation we generally consider whether:

- there was an event/incident that could have affected the customer's supply
- the damage described by the customer is consistent with the event/incident
- adequate steps were taken by you to avoid the event

- the customer took adequate steps to protect themselves
- an independent expert opinion is required to clarify any of these matters, and
- there are any other relevant circumstances, e.g. customer service issues.

Internal review of an EWOQ decision

An internal review can be conducted when a customer disputes the outcome of EWOQ's investigation in relation to a complaint. Usually the complainant will need to specify the reason they are disputing EWOQ's conclusion and/or provide additional information as a basis for EWOQ investigating/reviewing the complaint further.

It is not possible for a final order made by the Energy and Water Ombudsman to be reviewed internally. A complainant who does not accept a final order can pursue external avenues of redress, such as litigation or a claim to Queensland Civil and Administrative Tribunal (if the amount is under \$25,000).

Systemic issues

A systemic issue is a problem which a person has with an energy or water entity which affects, or has the potential to affect, more than one customer.

Some examples of a systemic issue include:

- a resident is misled by a door-to-door marketer who has been working in the person's neighbourhood. It is likely that a number of other people have also been misled by the same marketer.
- a customer identifies a billing error which may be common to many or all of the entity's bills.

EWOQ works on the basis that it is better to identify and solve the cause of the problem, rather than repeatedly address the complaints that result from it. EWOQ reports systemic issues where we feel that they have contributed to one or more complaints or when they have impeded the investigation or handling of a particular complaint. It is important to note that EWOQ does not have any enforcement or prosecution powers in relation to systemic issues.

How are systemic issues identified and addressed?

EWOQ identifies potential systemic issues in a number of ways and determines strategies for investigating and addressing the issues. EWOQ considers whether the systemic issue is scheme participant specific, industry specific or applicable across utilities. It might be something that raises beyond the particular utility industry, for example a broad consumer affairs issue or a housing issue. Investigating allows us to provide feedback to scheme participants, government and/or regulators in the aim to resolve the issue and avoid repetition.

When a systemic issue is identified, EWOQ immediately advises the entity concerned. We will then work with the entity to resolve the issue and may issue a systemic issues notice which will provide detailed information about the customers concerned and the nature of the issue, and advice as to how we would like to see the issue resolved, including steps to be taken to avoid a recurrence of the problem.

In addition, EWOQ may advise one or more of the following agencies about any systemic issues that might be a breach of legislation, industry code or license:

- Department of Natural Resources, Mines and Energy
- Office of Fair Trading
- Australian Energy Regulator
- Australian Competition and Consumer Commission
- Queensland Competition Authority
- Queensland Ombudsman

Complaints about dealing with our staff

The EWOQ Charter of Service sets out the standard of service that energy and water entities, can expect if a dispute is referred to EWOQ for investigation and resolution.

If you would like to thank one of our staff who you believe has done an outstanding job, we will make sure your message is passed on and our officers are recognized for their good work.

We also want to hear from any scheme participant who has a complaint about our service or the conduct of our staff.

In the first instance, you should contact the relevant EWOQ Regional Manager of the staff member, or EWOQ's General Manager Assessment, Investigation and Resolution, to outline your concerns. EWOQ treats any complaints from both scheme participants and customers seriously. If you remain dissatisfied, you can refer or escalate the matter to the Energy and Water Ombudsman.

Our Community Complaints Policy and Procedures sets out in detail EWOQ's policy for dealing with complaints from our customers and scheme participants concerning our conduct and/or service. This document can be found at <http://www.ewoq.com.au/feedback/>.

Queensland legislation

This section provides a quick guide to the basic obligations of retailers and distributors to small customers in the Queensland energy market and small water customers in south east Queensland. It is not a comprehensive statement of the law. The laws referred to are complex and various qualifications may apply for the provisions in different circumstances.

Scheme participants are encouraged to obtain independent legal advice if they are unsure how the laws apply to their situation.

The following legislation and regulatory instruments are referenced throughout this section:

- South East Queensland Customer Water and Wastewater Code (Water Code)
- *Energy and Water Ombudsman Act 2006*
- National Energy Retail Rules (NERR)
- National Energy Retail Law (South Australia)
- *South East Queensland (Distribution and Retail Restructuring) Act 2009*

Disconnection/reconnection/restriction

Requirement – Electricity	Relevant clause
No disconnection on a Friday, weekend or public holiday or a day preceding a public holiday, or after 3pm on any other day.	Rule 116 and 120 of NERR. Rule 108 of NERR defines protected period.
No disconnection if life support equipment that relies on electricity to function, is in use at the customer's premises.	Rule 116 and 120 of NERR
EWOQ contact details must be included on all Final Disconnection notices.	Rule 110 of the NERR

Requirement – Gas	Relevant clause
Grounds for disconnection of a customer.	Rule 116 and 119 of NERR

Requirement – Water	Relevant clause
Sets out the grounds for supply restriction of a customer.	12, 12.1, 12.2 of the Water Code

Meter reading

Requirement – Electricity	Relevant clause
Use best endeavours to obtain an actual meter reading at least once every 12 months.	Rule 20 of NERR
Use an estimated amount if an actual meter reading is not obtained from the premises.	Rule 21 of NERR

Requirement – Water	Relevant clause
Must take all reasonable steps to read a meter at each small customer's property at least once every 6 months.	21 of the Water Code

Marketing

Requirement – Electricity	Relevant clause
Energy Marketing Rules.	Section 53 of NERL (SA)
Hours/days of contact	Division 8 of NERL (SA)
Necessary identification	Division 8 of NERL (SA)
Terms and conditions	Rule 45A and 63 of NERR
Disclosure statements	
Cooling-off period	Rule 47 of NERR
Misleading and deceptive conduct	Division 8 of NERL (SA) and Part 2 Div 8 of NERR (SA)
Pressure, harassment and coercion	
Do not call register and do not contact again requests	Rule 65 of NERR

Requirement – Gas	Relevant clause
Time of contact	Section 53 of NERL (SA)
Written Disclosure Statement	Rule 45A and 63 of NERR
Cooling-off period	Rule 47 of NERR

Internal complaint handling procedure

Requirement – Electricity	Relevant clause
The entity must handle a complaint made by a small customer in accordance with the <i>Australian Standard</i> .	Rule 50 of NERR
When the entity responds to a small customer's complaint the entity must inform the small customer that they have a right to raise a complaint to a higher level within the entity. If the small customer is still not satisfied the entity must inform the small customer that they may refer their complaint to EWOQ.	

Requirement – Gas	Relevant clause
A retailer must develop procedures to deal with complaints from small customers which must include how complaints will be notified, the handling of complaints, the method of response and where the complaint is not satisfactorily resolved refer to EWOQ.	Rule 50 of NERR

Requirement – Water	Relevant clause
A distributor-retailer must have and comply with practices and procedures consistent with the Code and with the Australian Standard.	13.1 of the Water Code

Financial hardship provisions and payment plans

Requirement – Electricity and Gas	Relevant clause
If a customer informs the retail entity that the customer is experiencing payment difficulties or if the retail entity's credit management process indicates that a customer is experiencing payment difficulties the retail entity must offer the customer an instalment plan which complies with clause Rule 72 of the NERR.	Part 3 of NERR

Requirement – Water	Relevant clause
<p>A distributor-retailer must have a policy which applies to small customer who have the intention but not the capacity to pay can be identified by the following:</p> <ol style="list-style-type: none"> the small customer themselves; the distributor-retailer; an independent accredited financial counsellor; or a not-for profit organisation providing assistance to people experiencing financial difficulty or EWOQ 	18, 18.1, 18.2, 18.3 of the Water Code

Rebates – pensions, concessions and seniors

Requirement – Electricity	Relevant clause
The retail entity must, when requested by a customer, pass on to the customer, as soon as is reasonably practicable, any information about the availability of concessions, rebates or grants.	Rule 19 of NERR

Requirement – Gas	Relevant clause
The retail entity must, when requested by a customer, pass on to the customer, as soon as is reasonably practicable, any information about the availability of concessions, rebates or grants.	Rule 19 of NERR.

Requirement – Water	Relevant clause
The retail entity must, when requested by a customer, pass on to the customer, as soon as is reasonably practicable, any information about the availability of concessions, rebates or grants.	24.1 of the Water Code

Billing

Requirement – Electricity	Relevant clause
A retail entity must use its best endeavours to issue a bill to a small customer at least quarterly.	Rule 24 of NERR
A retail entity must issue a bill to the premises of the small customer unless the small customer nominates another address.	Rule 25 of NERR
A retail entity must provide a small customer on a negotiated contract with reasonable information on network charges, retail charges and any other charges relating to the sale and supply of electricity.	Rules 63 and 64 of NERR
If a retail entity also provides goods or services to a small customer the charges for the goods or services are included as separate items in the combined bill, with a description of the other goods and services.	Rule 25 and 27 of NERR
There are minimum requirements in the NERR that the retail entity must include on each customer's bill.	Rule 25 of NERR
A retail entity must display on each small customer's bill the average daily usage for the same period during the previous year for that premises if that data is available.	Rule 25 of NERR
A retail entity must keep a small customer's billing data for a minimum of two years.	Rule 28 of NERR
A retail entity must issue a bill in a format which permits the small customer to easily verify that the bill conforms to its retail contract.	Rule 25 of NERR

Requirement – Gas	Relevant clause
A retail entity must use its best endeavours to issue a bill to a small customer at least once every 100 days.	Rule 24 of NERR
There are minimum requirements in the NERR that the retail entity must include on each customer's bill.	Rule 25 of NERR

Requirement – Water	Relevant clause
A distributor-retailer must bill customers for water and sewerage services at least every 3 months (quarterly).	16.1 of the Water Code
There are minimum requirements in the Code that the distributor-retailer must include on each customer's bill.	16.4 of the Water Code

Guaranteed Service Levels

Requirement – Electricity	Relevant clause
Distribution entities may be liable for the payment of GSL's for matters concerning wrongful disconnection, connections, customer reconnections, hot water supply, missed appointments, planned interruptions and reliability of supply.	Rule 84 of NERR and Section 2.3 of Electricity Distribution Network code

Requirement – Gas	Relevant clause
No GSLs for gas.	No GSLs for gas

Requirement – Water	Relevant clause
No GSLs for water.	No GSLs for water

Scheme administration arrangements

Scheme participation requirements

As outlined in the beginning of the manual, all licensed energy distributors and retailers who supply Queensland's small energy customers and water distributor-retailers and withdrawn councils who supply south east Queensland small water customers must become participants of the EWOQ scheme. This ensures entities abide by relevant legislation, regulations and codes, and act in a manner which recognises the rights of all customers.

The Energy and Water Ombudsman Regulation 2007 defines the requirement of an energy distributor and/or retailer to initiate scheme participation as "... a distributor/retailer must, within 10 business days after entering into the contract or starting to provide the services, give the energy and water ombudsman notice of that fact...".

If an energy entity does not provide EWOQ with this advice within 10 business days, a maximum penalty of 20 penalty units (under the *Penalties and Sentences Act 1992 (Qld)*) may be applied.

Scheme participation takes effect from the date retail or distributor/retail services are provided to the company's first small customer. Submission of notification forms is also an important step in establishing contacts with the relevant staff in both the entity and EWOQ to facilitate the efficient handling of complaints and enquiries.

The water distributor-retailers in south east Queensland joined the EWOQ scheme on 1 January 2011, with the withdrawn councils joining from 1 July 2012.

Scheme participation notification forms are available on our website - www.ewoq.com.au.

The corporate@ewoq.com.au email address can be used by scheme participants to notify EWOQ of any changes to contact or billing details.

Scheme participation fees

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

An annual participation fee is payable in July of each year, if an entity becomes a scheme participant during a financial year, the participant fee for that year will be pro-rated for part of that year in accordance with s67 of the Act.

User-pays fees are calculated in accordance with s69 of the Act and information must be provided to scheme participants with the publication of the [budget guidelines](#) on our website in June of each year.

In accordance with s66 (4) and s68 (4) of the Act, invoices for scheme participation and user pays fees must be paid within 14 days of receipt. EWOQ distributes invoices by email to assist with the tight time frames. Electronic Funds Transfers (EFT) is the preferred method of receiving payments and relevant EFT details are included on all invoices.

EWOQ encourages prompt payment of invoices and will impose interest penalties for late payment as per s71 of the Act.

Section 70 of the Act provides the Energy and Water Ombudsman with the ability to impose a supplementary fee to scheme participants if, due to unforeseen expenditure or a revised budget, the Ombudsman considers that receipts from participation and user-pays fees are not sufficient to fund all of the ombudsman's functions. Supplementary fees can only be imposed through the approval of a new regulation to the Act.

Financial and administrative contact details within EWOQ

The corporate@ewoq.com.au email address can be used by scheme participants for any enquiries relating to either the financial or administrative arrangements of the EWOQ scheme.

Useful information

EWOQ publications

To keep up to date with EWOQ's latest news, complaint statistics and newsletters EWOQ recommends you subscribe to EWOQ Update. You can do this online at the following location at <http://www.ewoq.com.au/ewoq-update/>.

EWOQ contacts

Phone: 1800 662 837

Investigation team: investigation@ewoq.com.au

Finance/administrative: corporate@ewoq.com.au

Marketing/media: marketing@ewoq.com.au

General public

Freecall 1800 662 837 (calls from mobile phones may attract charges)

Fax (07) 308 79477

Email complaints@ewoq.com.au

Online www.ewoq.com.au

PO Box 3640 South Brisbane BC Qld 4101

Brisbane – Level 16, 53 Albert Street, Brisbane (8.30am-5pm)

Cairns – Level 1, Cairns Corporate Tower, 15 Lake Street (8.30am-5pm)

Rockhampton – Level 2, 209 Bolsover Street (8.30am-5pm)

APPROVED

Jane Pires

Energy and Water Ombudsman

Date: / /

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Appendix 1

Level 1, level 2 and level 3 complaint investigation escalation guidelines

For a complaint investigation to be escalated from a level 1 to a level 2 and from a level 2 to a level 3 the following guidelines apply.

Time spent in investigating the complaint

If EWOQ has spent more than 240 minutes and no more than 480 minutes specifically on the complaint investigation, a complaint will escalate from a level 1 complaint to a level 2 complaint. Scheme participants will be advised when a complaint has exceeded 180 minutes and is less than 240 minutes.

If EWOQ has spent more than 480 minutes on the complaint investigation, it will escalate from a level 2 complaint to a level 3 complaint. Scheme participants will be advised when a case has exceeded 420 minutes and is less than 480 minutes. This reflects the complexity of the complaint and amount of time spent by EWOQ in dealing with the matter. Cases escalated based on time are not appealable.

The following four escalation guidelines are within the control of the scheme participant and are a deterrent for when the scheme participant does not comply with the requirements of the EWOQ scheme. The decision to escalate a complaint investigation from a level 1 to a level 2 and from a level 2 to a level 3 will reside with an EWOQ Regional Manager.

It is important to note that a complaint can be escalated between levels for more than one breach. The level a complaint is escalated to will also depend on the level of the complaint at the time of the breach occurring. For example, if EWOQ sends a Notice of Investigation (NOI) to a scheme participant and they then take action against the customer following receipt of the NOI (section 32 breach), the case is escalated to a level 2 complaint. If the scheme participant also fails to provide the information to EWOQ by the due date in the NOI the case is escalated to a level 3 complaint. Alternatively, if a case is a level 2 complaint based on time spent (greater than 240 minutes and less than 480 minutes) and a section 32 breach occurs, the case is escalated to a level 3 complaint.

Breach of section 32 of the Energy and Water Ombudsman Act

This means the scheme participant has taken action against a customer e.g. disconnection/restriction following receipt of the NOI (interim order) from EWOQ not to take action against the customer.

EWOQ will review the breach and decide if it merits escalation or if there are grounds not to escalate. If the escalation is approved the scheme participant will be advised of the escalation.

The scheme participant (Customer Advocacy Manager or equivalent position) may appeal the escalation within five business days to the EWOQ Regional Manager. If an appeal is received, the Regional Manager will review the objection within three business days and may uphold or dismiss the appeal. If the appeal is dismissed, the case will stay at the level it has been escalated to. If the appeal is upheld, the case will be returned to the case level prior to the escalation.

For example, if a dispute relates to a high account in a particular billing period, the scheme participant is not to take action against the customer for the account in that period whilst EWOQ is investigating the matter. However, if the customer is due to have their next bill issued through the normal billing cycle then the scheme participant should issue the bill as that billing period is currently not in dispute.

Failure to comply with agreement facilitated by EWOQ to resolve the matter

Once an agreement is facilitated by EWOQ between the parties, the complaint investigation is closed. If the scheme participant fails to comply with that agreement the customer may come back to EWOQ. For example, if the scheme participant has agreed to provide the customer with a cheque by a certain date and the scheme participant fails to do so, the customer may come back to EWOQ.

EWOQ will issue the scheme participant with a NOI outlining the case is a returned case and the action that was previously agreed to in the Notice of Closure (NOC) of the previous case. Once the response from the scheme participant is received, the matter will be referred to the Team Leader who will decide if the case merits escalation due to failure to comply with the agreement.

If the case is escalated, the scheme participant (Customer Advocacy Manager or equivalent position) may appeal the escalation within five business days to the Regional Manager. If an appeal is received, the Regional Manager will review the objection within three business days and may uphold or dismiss the appeal. If the case is dismissed, the case will stay at the level it was escalated to. If the appeal is upheld, the case will be returned to the case level prior to the escalation.

Failure to provide information requested by EWOQ and by the due date

Generally, the timeframe will be 10 business days for NOI's and five business days for requests for supplementary information. However, there will be exceptions – for example, disconnections/restrictions which will require the matter to be dealt with on the same business day or if EWOQ has requested information by a stipulated date.

If the scheme participant has not responded within the timeframes stipulated in the NOI or the request for supplementary information, EWOQ will review the case and approve whether the case is escalated.

If the case is escalated, the scheme participant (Customer Advocacy Manager or equivalent position) may appeal the escalation within five business days to the Regional Manager. If an appeal is received, the Regional Manager will review the objection within three business days and may uphold or dismiss the appeal. If the case is dismissed, the case will stay at the level it was escalated to. If the appeal is upheld, the case will be returned to the case level prior to the escalation if time spent is less than 240 minutes for level 1 cases and less than 480 minutes for level 2 cases.

If a response is still not received within five business days after the due date the information was to be provided, EWOQ will review the case and approve whether the case is escalated.

If the case is escalated to a level 3 case, the scheme participant (Customer Advocacy Manager or equivalent position) may appeal the escalation within five business days to the Regional Manager. If an appeal is received, the Regional Manager will review the objection within three business days and may uphold or dismiss the appeal. If the case is dismissed, the case will stay at the level 3 case category. If the appeal is upheld, the case will be returned to a level 2 case if time spent is less than 480 minutes.

Failure to adequately address the information requested by EWOQ

If EWOQ requests information from a scheme participant when investigating a case and the response fails to adequately address the information requested, the Regional Manager will review the case and approve whether the case is escalated.

If the case is escalated, the scheme participant (Customer Advocacy Manager or equivalent position) may appeal the escalation within five business days to the Regional Manager. If an appeal is received, the Regional Manager will review the objection within three business days and may uphold or dismiss the appeal. If the case is dismissed, the case will stay at the level it was escalated to. If the appeal is upheld, the case will be returned to the case level prior to the escalation if time spent is less than 240 minutes for level 1 cases and less than 480 minutes for level 2 cases.

If an adequate response is still not received within five business days after the due date the information was to be provided, the Regional Manager will review the case and approve whether the case is escalated.

If the case is escalated to a level 3 case, the scheme participant (Customer Advocacy Manager or equivalent position) may appeal the escalation within five business days to the Regional Manager. If an appeal is received, the Regional Manager will review the objection within three business days and may uphold or dismiss the appeal. If the case is dismissed, the case will stay at the level 3 case category. If the appeal is upheld, the case will be returned to a level 2 case if time spent is less than 480 minutes.