

Policy statement

Where a customer makes a complaint against a scheme participant concerning a disputed monetary amount, the Energy and Water Ombudsman (EWO) or delegate will require the customer to pay an amount which the EWO or delegate considers is not in dispute.

Where the customer unreasonably refuses to pay, the EWO or delegate may refuse to investigate the dispute referral or, having started to investigate the dispute referral, may refuse to continue the investigation, because they are reasonably satisfied that the dispute referral is vexatious or not made in good faith.

This policy serves a number of purposes:

- promotes payment of some of the services provided by the scheme participant
- reduces the risk of the customer accumulating debt
- demonstrates good will on the part of the customer, and
- promotes the impartiality and fairness of the Ombudsman scheme.

Scope

This policy applies to all electricity, gas and water dispute referrals by customers concerning disputed monetary amounts.

Definitions

Customer	Small customer within the meaning of the EWO Act
Dispute referral	As defined in the schedule to the EWO Act
EWO	Energy and Water Ombudsman
EWO Act	<i>Energy and Water Ombudsman Act 2006</i>
EWOQ	Energy and Water Ombudsman Queensland
Disputed monetary amount	A monetary amount which the customer states is wrong as the amount due is too high or incorrect
Investigator	As per Schedule 1 of the Operational Delegations under the EWO Act
Scheme participant	Utility entity within the meaning of the EWO Act

Assessment

EWOQ will discuss this policy with a customer when contact is first made with an Investigator about a disputed monetary amount.

EWOQ will assess dispute referrals on a case by case basis, and decide what payments should be made by a customer during an investigation having regard to the:

- amount the customer believes would be reasonable
- amount the scheme participant believes would be reasonable
- customer's financial capacity to pay
- amount outstanding (including any other bills from the same scheme participant)

- circumstances surrounding the disputed charges, including the customer's reason/s for disputing the charges, and
- potential for a debt to accrue.

EWOQ will make fair and reasonable decisions regarding payment/s, ideally making decisions with which both parties agree.

Example: the customer states that he had been offered a discount on his network electricity charges as well as his consumption charges. The dispute concerns only a small part of his overall bill. He does not dispute that he has consumed electricity at the volume and rate charged but refuses to pay any part of his bill until the issue has been investigated. He has the financial capacity to pay the consumption charges but will not do so "on principle". EWOQ would decline to investigate the complaint until the customer pays that part of the bill which is not in dispute, that is, the consumption charges.

Example: the customer states that his electricity bills are always around \$300 per quarter and he has just received one for \$420. He believes the bill must be wrong. He has the financial capacity to pay the bill. The customer is willing to pay \$300 while the dispute is being investigated and the scheme participant agrees. EWOQ will investigate the dispute on the customer undertaking to pay \$300.

Example: customer stated that his electricity bill is too high and he will not pay it. On questioning the customer, EWOQ finds that the bill is a similar amount to his previous three bills. During the conversation the customer states he is worried about paying the bill because he has just lost his job. The dispute is accepted as a credit case and an investigation commences. No payment towards the bill is sought at this stage.

Monitoring payment

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
- where payments are not made, remind the customer of the need to make payments.

Defaulting on the agreed terms of payment

In the event the customer does not make payment/s in accordance with the agreement, and EWOQ is notified by the scheme participant, EWOQ will contact the customer to determine the reason/s for defaulting. Where the customer has unreasonably or unnecessarily failed to meet the terms of the agreement EWOQ may refuse to continue the investigation.

In deciding whether to discontinue the investigation EWOQ will have regard to:

- the amount of the outstanding debt
- whether the customer has made any contribution towards the outstanding debt
- the reasons, if any, for the customer not making payment/s in accordance with the agreement including whether there has been a change in the customer's capacity to pay
- the time since the dispute referral was first made to EWOQ

- when the investigation is likely to be finalised.

Authority for exercise of discretion

Section 22(1) of the EWO Act provides, relevantly:

The energy and water ombudsman may refuse to investigate a dispute referral or, having started to investigate a dispute referral, may refuse to continue the investigation, if the ombudsman is reasonably satisfied that -

- (a) the subject of the relevant dispute is trivial; or
- (b) the dispute referral is frivolous or vexatious or has not been made in good faith;

New bills

Where a new bill is issued during an investigation, which does not form part of the dispute, the bill should be paid.

Document history and approval

Version	Detail	Date
V1_0	Creation	20/12/2013
V2_0	Updated from policy review	8/08/2014

This version is approved by the delegated person below and is effective from the signed date.

Metadata

Prepared by: Disputes Resolutions
Version No: V2_0
Review Date: 4 August 2015
Electronic version: R/Organisational Management/Policy Management/Final

Keywords

Payment, dispute, billing, default, agreement, instalment,