
Energy Ombudsman Queensland

Service Charter

Table of Contents

INTRODUCTION.....	1
OUR GOAL	1
OUR AIMS.....	1
WHAT WE DO.....	1
FUNCTIONS	2
GENERAL RESTRICTIONS ON FUNCTIONS.....	3
EXCLUSION OF DISPUTES RELATING TO COMMUNITY AMBULANCE COVER LEVY	3
REPORTS AND OBSERVATIONS ON ENERGY OMBUDSMAN’S INITIATIVE.....	3
HOW WE ACCEPT DISPUTES	3
INVESTIGATION PROCEDURE	3
CONFIDENTIAL INFORMATION	4
INTERIM ORDERS	4
BINDING DECISIONS	4
FINAL ORDER.....	4
WHAT WE CANNOT INVESTIGATE.....	5
OUR COMMITMENT	5
OUR CUSTOMERS.....	5
HOW CONSUMERS CAN HELP US.....	5
EOQ ADVISORY COUNCIL	6
OUR RELATIONSHIPS	7
HOW WE INFORM ENERGY CONSUMERS OF OUR EXISTANCE AND ROLE.....	7
OUR STANDARDS.....	8
INDEPENDENCE.....	8
INTERNAL AND EXTERNAL REVIEW.....	8

OPERATING TARGET TIMEFRAMES.....	8
OPERATING FUNDING MODEL	9
MEMBERSHIP FEES	9
USER-PAYS FEES.....	9
UNFORESEEN EXPENDITURE.....	10
ANNUAL REPORT	10
FEEDBACK ON OUR SERVICE	10
HOW TO CONTACT EOQ	10

Introduction

The Queensland Government established the Energy Ombudsman Queensland (EOQ) to assist over two million domestic and small business electricity and reticulated gas consumers in Queensland. EOQ receives, investigates and facilitates the resolution of disputes between energy consumers and energy suppliers (scheme members) at no cost to the consumer.

The main purpose of the scheme is to give small energy consumers (those whose annual electricity consumption is less than 100 megawatt hours a year, and/or whose gas consumption is less than one terrajoule a year) and relevant occupiers of land a timely, effective, independent and just way of referring disputes about matters involving energy entities, and having the disputes investigated and resolved. EOQ also provides feedback on consumer issues and the adequacy of the State's energy systems to the Queensland Government and scheme members.

This Service Charter provides a simple overview of the EOQ Scheme. For more specific or detailed information on the legislation and jurisdictional powers and responsibilities of EOQ, please refer to the *Energy Ombudsman Act 2006* (the Act). The Act received assent in December 2006 and is integral to the introduction of full retail competition which commenced on 1 July 2007. In the event of any inconsistency or lack of clarity between the Service Charter and the Act, the Act will take precedence.

Our goal

To provide a free, fair, accessible, accountable, effective and independent dispute resolution service to meet the diverse needs of all domestic and small business electricity and reticulated gas consumers and EOQ scheme members in Queensland.

Our aims

We aim to:

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

The EOQ 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

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

EOQ delivers complaint investigation and dispute resolution services about issues including, but not limited to:

- connection and retail services;
- electricity and reticulated gas accounts;
- extensions of supply and augmentation upgrades;
- supply reliability and quality;
- compensation claims for damage or loss;
- connections and disconnections of supply;
- relocation of assets;
- vegetation management;
- guaranteed service level rebates;
- call centre complaints;
- market conduct complaints;
- market contract issues;
- application of tariff rates/charges; and
- general customer service.

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

- Queensland Competition Authority (QCA);
- Office of Fair Trading (OFT); and
- Department of Mines and Energy (DME).

Governing instruments of these regulatory bodies include:

- *Energy Ombudsman Act 2006*;
- *Queensland Competition Authority Act 1997*;
- *Fair Trading Act 1989*;
- *Electricity Act 1994*;
- *Gas Supply Act 2003*; and
- Electricity and Gas Industry Codes.

Functions

EOQ'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, mediation or conciliation;
- promote the scheme to small customers and relevant occupiers of land;
- identify systemic issues that arise from complaints made to EOQ; and
- carry out other functions conferred on EOQ under any act.

General restrictions on functions

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

- the fixing of 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 members about eligibility for State Government concessions or rebates;
- a commercial activity carried out by a scheme member if the activity is outside the scope of any energy act authority held by the member;
- the content of government policies or of legislation, an energy act authority or an industry code;
- a requirement under an energy act or an order in a proceeding;
- a customer contribution to the cost of capital works; and/or
- a dispute between two or more energy entities.

Exclusion of disputes relating to Community Ambulance Cover Levy

EOQ's functions do not apply to disputes between scheme members and small energy consumers about:

- the performance of a function under the *Ambulance Cover Act*, 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 *Ambulance Cover Act*.

Reports and observations on Energy Ombudsman's initiative

If the Energy Ombudsman considers it appropriate, he/she may report on, or make observations about, a matter arising from the performance of EOQ's functions to:

- a scheme member;
- an energy act regulator;
- the Minister for Natural Resources, Mines and Energy and Minister for Trade;
- the EOQ Advisory Council; and/or
- a public forum.

How we accept disputes

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

Investigation procedure

Unless the Act otherwise provides, the Energy 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 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 he/she considers appropriate;
- may make any inquiry he/she considers 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 EOQ, is accepted as being good practice for performance of the functions.

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

Confidential information

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

Interim orders

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

Binding decisions

After the completion of an investigation, the Energy Ombudsman may decide to make, or refuse to make, an order in favour of the small energy consumer. The Energy Ombudsman may order a scheme member to:

- pay compensation to the energy 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 consumer with stated services under the relevant energy act – for example, a non-monetary solution to remedy the dispute;
- amend a stated charge under an energy act; and/or
- carry out corrective work.

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

Final order

The energy consumer may, by written notice, elect to accept or not to accept a final order, but such notice must be given within 21 days after receipt of the decision about the order. The Energy Ombudsman will give the relevant scheme member 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 consumer (or the Energy Ombudsman) may file the order in a Magistrates Court and must do anything that is both necessary and reasonable to allow the scheme member to comply with an accepted order.

If a scheme member does not comply with a direction given for an order, a maximum penalty of 100 penalty points (one penalty point is \$100) may be applied. In addition, non-compliance may be referred to the appropriate regulator under an energy act.

What we cannot investigate

EOQ cannot investigate:

- the fixing of prices or tariffs;
- a matter that is within the exclusive function of the energy regulator or the Queensland Competition Authority;
- a customer contribution to the cost of capital works;
- a dispute between scheme members;
- a matter that has already been decided by the Energy 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 Ombudsman; or
- a dispute that has not been provided to the relevant scheme member for reasonable opportunity to resolve.

The Energy Ombudsman can not provide legal advice.

Our commitment

EOQ staff are empowered to resolve complaints and disputes between electricity and reticulated gas consumers and their energy supplier. As part of EOQ's commitment to excellence in consumer services, all staff take personal responsibility for their dealings with consumers. Each staff member:

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

Our customers

EOQ has been established to protect the rights of over two million electricity and reticulated gas domestic and small business consumers in Queensland.

How consumers can help us

To assist us meet our standards and customer commitment, we ask consumers 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.

EOQ Advisory Council

An EOQ Advisory Council has been established to:

- monitor EOQ's independence;
- advise the Energy Ombudsman on:
 - policy and procedural 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 for Natural Resources, Mines and Energy and Minister for Trade on the funding of EOQ's functions.

Appointment

The EOQ Advisory Council consists of a chairperson and at least six other members appointed by the Minister for Natural Resources, Mines and Energy and Minister for Trade. The chairperson must be independent of the interests of scheme members or small energy consumers. The other members must be made up by an equal number of members drawn from industry and consumer representatives.

The industry members must be appointed on the chairperson's recommendation, after consultation with scheme members. 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 energy retailers and at least one of the industry members must represent the interests of energy distributors.

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 and reticulated gas consumers in Queensland.	Key Government stakeholders of the Energy Ombudsman scheme.
EOQ scheme members. Visit www.eoq.com.au for an up-to-date list of EOQ scheme members.	Key energy sector participants providing electricity and reticulated gas services to Queensland domestic and small business consumers.	Distribution and retail electricity and gas companies. Key industry stakeholders whose consumers have sought assistance from the Energy Ombudsman in resolving disputes.
State Members 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 ▪ 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 responsibilities for electricity and gas issues. Representation and advocacy on behalf of constituents who have an issue with their energy supplier.
Consumers, 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 consumers.	Advocacy and representation on behalf of electricity and gas consumers in Queensland.
Queensland domestic and small business electricity and natural and reticulated gas customers.	Concerns with actions or decisions of energy supplier. General advice, information and referral service.	Seeking assistance from the Energy Ombudsman to resolve an issue with their energy supplier.

How we inform energy consumers of our existence and role

EOQ continually develops and implements a range of communications, public relations and media related activities to ensure the provision of appropriate information to energy consumers, scheme members and other stakeholders.

Our standards

EOQ was established under the following broad principles.

- Equality of accessibility to the public/consumer (regional consumers have access to regional Energy Ombudsman offices).
- Accountability to the Queensland public.
- Responsibility for analysing and reporting on systemic faults and issues affecting consumers.
- Consumer 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 EOQ staff to deal with complaints.
- Ascertain customer satisfaction levels upon resolution of complaints.
- Development of user-friendly consumer 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 EOQ is to protect the rights of small energy consumers through the resolution of disputes between those consumers and scheme members. To achieve that role, the Energy Ombudsman will apply the jurisdictional and legislative authorities as provided in the *Energy Ombudsman Act 2006*. The Energy Ombudsman will use best endeavours to protect consumer rights, but this does not extend to a consumer advocacy role. The Energy Ombudsman will utilise procedural fairness in investigating and resolving disputes, and treat energy consumers and scheme members in a fair and unbiased manner. The Energy 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 Ombudsman reports on the following key performance indicators:

- time taken to resolve each matter (inquiry/referral – complaint – dispute);
- the number of disputes between consumers and electricity and reticulated gas entities referred to the Energy Ombudsman, specifically the number requiring:
 - investigation;
 - mediation/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 client satisfaction with the performance of the EOQ Scheme.

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

Operating target timeframes

- Routine matters – resolved within 10 working days.
- Investigations – resolved within 15 working days.
- Final order - resolved within 30 working days (of allocation to the Energy Ombudsman for formal and final determination).

Operating funding model

The Energy Ombudsman must, before 31 March each year, in consultation with the EOQ Advisory Council, prepare a budget of estimated costs for the next financial year, having regard to expected membership fees and user-pays for the year.

The funding model for each financial year incorporates an annual membership fee and user-pays fees.

The Minister for Natural Resources, Mines and Energy and Minister for Trade approves EOQ's operating budget for each year based on the estimated usage of the scheme by members over the financial year.

The membership fee is billed at the start of each financial year or within two weeks of the energy supplier becoming a member of the EOQ Scheme.

User-pays fees paid by scheme members will reflect the number and level of contacts made against the scheme member and are billed quarterly in advance. User-pays fees will be reconciled to actual operating expenditure twice a year. Scheme members will receive advice of their reconciliation and any related fee adjustment.

Membership fees

An annual membership fee of \$5,000 per product (electricity and/or gas) will be charged to each scheme member at the start of the financial year. If an energy supplier becomes a scheme member during the financial year the membership fee is calculated on the number of days which the company is a scheme member during the financial year. An energy retailer becomes a scheme member when it enters into a contract for the provision of customer retail services to a small energy customer.

User-pays fees

The user-pays fee structure is based on the upgrading of a dispute, which takes into account the time spent dealing with a matter. There are five levels of contact under the user-pays funding model.

1. Complaint refer back – the matter needs to be referred back to the scheme member for action.
2. Referral to higher level – the customer is given the option for the entity (at a higher level) to contact the customer.
3. Level one investigation – EOQ staff are required to contact the scheme member to investigate the matter.
4. Level two investigation – EOQ staff have spent in excess of 240 minutes on the matter or the scheme member has:
 - breached section 32 of the *Energy Ombudsman Act 2006*;
 - failed to comply with the agreement facilitated by EOQ; or
 - failed to provide information requested by the due date.
5. Determination – if a matter cannot be resolved, the Energy Ombudsman may consider the matter and either make a binding order against the scheme member or dismiss it.

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

1. General Enquiries - when a matter can be dealt with directly by the Energy Ombudsman's office and the matter is not specific to an individual scheme member; and
2. Referrals – when a matter is referred to another agency as the complaint is not within the jurisdictional responsibilities of EOQ.

Unforeseen expenditure

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

Annual report

The Energy Ombudsman will provide an annual report to the Minister for Natural Resources, Mines and Energy and Minister for Trade on the operations of EOQ at the end of each financial year. The annual report will also be distributed to stakeholders and published on the EOQ website www.eoq.com.au

Feedback on our service

EOQ welcomes suggestions from consumers on ways to improve services and performance. We encourage consumers and stakeholders to inform us if they are unhappy with our service. Staff will treat complaints seriously and will respond accordingly. Consumers 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 consumers 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 Ombudsman Queensland at:

- PO Box 3640, South Brisbane, Queensland 4101; or
- via the online complaint form at www.eoq.com.au

How to contact us

EOQ can be contacted on freecall 1800 662 837. This allows Queensland consumers, regardless of where they live in the State, to telephone EOQ at no cost (calls from mobile phones may attract charges). Consumers living in north Queensland, from Mackay to Cape York, will deal directly with the Cairns office. Consumers living in central Queensland, from Tin Can Bay to Mackay, will deal with the Rockhampton office. Consumers in southern Queensland, from the Queensland/New South Wales border to Tin Can Bay, will deal with the Brisbane office.

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

Office hours are 8.30 am to 5.00 pm. Consumers who call outside these hours are directed to the EOQ 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 EOQ:

Freecall: 1800 662 837

Website: www.eoq.com.au

Email: info@eoq.com.au

Mail: PO Box 3640, South Brisbane, Q 4101

Fax: (07) 3006 2670

Office locations:

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