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18 December 2013

Access to Justice

Productivity Commission

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Thank you for the opportunity to comment on the *Access to Justice Arrangements Productivity Commission Issues Paper, September 2013*.

The Energy & Water Ombudsman NSW (EWON) investigates and resolves complaints from customers of electricity and gas providers in NSW, and some water providers. EWON is a member of the Australian and New Zealand Ombudsman Association (ANZOA) and we contributed to the ANZOA submission also provided to this Inquiry.

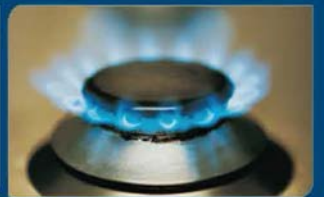
If you would like to discuss this submission further, please contact me or Emma Keene, General Manager Policy and Community Engagement, on 02 8218 5250.

Yours sincerely

A handwritten signature in black ink that reads "Clare Petre".

Clare Petre

Energy & Water Ombudsman NSW



Submission to the Productivity Commission

Access to Justice Arrangements Issues Paper, September 2013

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THE PRODUCTIVITY COMMISSION

Access to Justice Arrangements Issues Paper

Submission by **Energy & Water Ombudsman NSW**

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Introduction

The Energy & Water Ombudsman NSW (EWON) is pleased to respond to the Productivity Commission Issues Paper September 2013 – *Access to Justice Arrangements*.

Established in 1998, EWON is the approved independent dispute resolution mechanism for customers of electricity and gas providers in NSW, and some water providers. EWON provides fair, timely and independent investigation and resolution of customer complaints. We work with all the key stakeholders –service providers, community agencies, government, regulators – to improve the standard of service delivery for the benefit of NSW energy and water consumers. The EWON Constitution and Charter are available at www.ewon.com.au

This submission responds to the Issues Paper questions pertaining to Ombudsman schemes and Alternative Dispute Resolution where:

The Commission invites comments on the scope and operation of ombudsman services in Australia.

What data are available on the frequency and timeliness of disputes resolved through ombudsman services?

We have provided information about the numbers and types of complaints received by EWON and the timeliness of their resolution/finalisation.

Are ombudsmen an efficient and effective way of resolving disputes with government and industry – where do they work best?

We believe that the data provided in this submission demonstrates that EWON is an efficient and effective way of resolving disputes for energy and water consumers in NSW. We suggest that an ombudsman ‘works best’ where some of the following factors apply:

- an essential government or industry service is involved
- there is a critical mass of consumers who are impacted by the service and who need access to independent dispute resolution regarding decisions made by the service
- disputes are not appropriate for a court or tribunal because of the nature of the dispute (eg customer service, information provision, access to a service, affordability issues), the monetary value of a dispute, the urgency of a dispute (eg disconnection or non-availability of an essential service)

- a free, independent, accessible, and timely service is needed to respond to the needs of citizens and consumers who would not otherwise be able to seek redress for a dispute because of factors including geographical location, frailty, health, language, literacy.

How might ombudsman services be improved?

All ombudsman offices strive for continuous improvement to provide the best possible service for citizens and consumers. EWON takes the following steps to try to ensure our service is as efficient and effective as possible for all parties to a dispute:

- we undertake an independent review of our service every 3-5 years
- we survey customers who have used our service, and well as the companies that are within EWON's jurisdiction
- the Ombudsman is a member of the Australia and New Zealand Energy & Water Ombudsman Association (ANZEWO) and the Australian and New Zealand Ombudsman Association (ANZOA) where industry and parliamentary ombudsman share ideas, information and processes
- staff of EWON liaise with their equivalents in other ombudsman services to share ideas, information and processes.

The Commission seeks data on the number, proportion and types of disputes resolved through ADR and the relative satisfaction of disputants with the outcomes of using these mechanisms.

We have provided information in this submission regarding the number and types of complaints/disputes received by EWON from energy and water consumers in NSW, and information about consumer satisfaction surveys.

What evidence is there that ADR translates into quicker, more efficient and less costly dispute resolution without compromising fairness and equity (particularly where there is an imbalance of power between disputants)?

Without doubt there is an imbalance of power between many consumers and their energy and water providers. This imbalance is compounded if there are issues for consumers such as health, frailty, literacy, language. A dispute resolution service that consumers or their advocates can easily access is therefore essential, with accessibility based on:

- free service, so there is no cost barrier. This includes freephone, freefax, freepost, email, on line complaint facility
- no requirement for complaints to be in writing – most of our work with complainants is done by phone

- access to interpreters
- access to National Relay Service for people with hearing difficulties.

Feedback from consumers whose complaint has been dealt with by EWON often have some common themes such as:

- they had been trying to resolve the complaint with the provider for some time without success and EWON's intervention finally resulted in a resolution
- they could not get any response from the provider to emails or letters, and after involvement by EWON the provider contacted them and resolved the complaint.

Timeliness is important for dealing with disputes, and later in this submission we have provided information about the time to close matters received by EWON.

What is the potential for resolving more disputes through ADR without compromising fairness or equity?

There is clearly a role for a range of dispute resolution bodies including the courts, tribunals, formal mediation services, ombudsman services. It is not a matter of one process being superior to another – it is more a matter of 'fit for purpose' and the most appropriate to the needs of consumers and citizens who have a complaint/dispute. The growth of ombudsman services and the extension of jurisdiction of existing ombudsman offices is testament to the effective role that they play in dispute resolution for citizens and consumers. However, care needs to be taken to ensure that the term 'ombudsman' is used appropriately.¹

How might ADR be strengthened to improve access to justice?

We hope that this Inquiry will assist the Productivity Commission to identify:

- areas where there is inadequate access to justice, eg because of geographic or social isolation, language, literacy, financial or other disadvantage
- the types of disputes being dealt with by various dispute resolution bodies and whether any rationalisation is possible, eg small issues going to courts that might be more appropriately dealt with by a more informal forum

¹ We refer to the Policy statement endorsed by the Members of the Australian and New Zealand Ombudsman Association (ANZOA) - Essential criteria for describing a body as an Ombudsman available: http://www.anzoa.com.au/Use_of_term_Ombudsman.html

What is the appropriate balance between public and private provision of ADR? Should practitioners delivering ADR services be regulated? If so, who needs to be accredited and at what level for the provision of different types of services?

The growth of industry ombudsman schemes for key consumer services (eg banking and finance, telecommunications, energy & water, transport) has been a very positive development. It is an acknowledgement by these industries that their customers/consumers are entitled to independent dispute resolution when they cannot resolve an issue directly with the provider.

Even though many of the industry ombudsman schemes were established as an initiative of the industries over which they have oversight, most, if not all, of the industry ombudsman schemes have some type of formal approval process. In EWON's case, we are the approved ombudsman scheme for electricity, gas, and water in NSW – this approval has been given by the state Minister for Energy and the Minister for Water in accordance with their relevant legislation.

As with other ombudsman offices, EWON strives to offer the best possible independent dispute resolution service. This means employing the best possible staff, as the primary resource of an ombudsman office is people – to deal with complaints (Investigations), to review systemic issues and trends in complaints and prepare submissions (Policy), to conduct community information and outreach sessions (Outreach), to prepare information materials – fact sheets for consumers, newsletters, website information etc (Communications), to work with member providers- member induction, reports, visits (Member relations), to provide reports on customer complaints and issues both internally and to external stakeholders – industry, community, regulators, government (Reporting).

We employ people from a variety of backgrounds including law, teaching, social work/social welfare, customer service, government agencies. We have a comprehensive induction and training program that is tailored to the needs of each staff member in each area of our operation. Although there is no doubt that staff of an ombudsman's office such as EWON need to be of the highest standard and our recruitment and training reflects this need, we do not consider that formal accreditation as such is required.

EWON's Best Practice Framework

EWON's best practice framework for providing access to justice is set by the Benchmarks for Industry-based Customer Dispute Resolution Schemes (the Benchmarks)². The Benchmarks of accessibility, independence, fairness, accountability, efficiency and effectiveness have been a key measure for EWON since the establishment of the scheme. We measure our performance against the Benchmarks and report on a quarterly basis to our Board.

The following information aligned to each benchmark provides supporting information about the access to justice EWON provides to NSW consumers in relation to their energy and water utility complaints. We have included information from EWON's operational report for the April to June 2013 quarter to demonstrate our effectiveness.

1. Accessibility

Access to EWON is essential for customers who have not been able to resolve an issue with their provider. EWON makes itself accessible to consumers by promoting knowledge of its existence, being easy to contact and use, and having no barriers to access such as cost:

- Ease of access: the capacity of customers to make a complaint by way of a freecall number, freefax number, email address, reply paid address for letters, on-line complaint facility, personal visit.
- Most customers contact EWON by phone through our Freecall 1800 number, however in April-June 2013 we received 1127 online complaints, up from 1057 last quarter. Online complaints accounted for 11% of total complaints in 2012/13 up from 10% the previous year.³

² The Benchmarks were issued by the Department of Industry, Science and Tourism in 1997

³ Online complaints have steadily increased in number over recent years, and we expect this trend to continue.

- We had 25,913 visitors to EWON's website, a 20% increase on last quarter and bringing the total for 2012/13 to 64,791.
- Many consumers from Culturally and Linguistically Diverse (CALD) backgrounds contact EWON and prefer to speak to us via an interpreter, and EWON arranges this free of charge.
- Community outreach: we have a full time Community Development Officer and an Aboriginal Project Officer who engage in a wide range of community outreach activities to raise awareness of EWON and energy and water issues. These activities involve key 'gatekeepers', ie the people consumers are likely to contact if they have an energy or water problem. These groups include community workers, electorate offices of Members of Parliament, financial counsellors, staff of government agencies (eg Housing, Fair Trading, Centrelink). They also involve consumers directly, eg groups of older consumers, CALD groups, new settlers in Australia.
- We join with other complaints handling agencies to conduct some outreach activities, eg Good Service Mob is a collaboration of Indigenous and non-Indigenous staff from complaint handling agencies who come together to promote their services through outreach to Aboriginal and Torres Strait Islander communities in NSW.
- During April – June 2013 we participated in 48 community outreach activities.
- Information through service providers: all energy retailers are required by law to include information about EWON on overdue and disconnection notices. They also provide information about EWON in relation to their own dispute resolution process, ie that their customers can contact EWON if they are not satisfied with the company's response to a complaint.
- Media and public information: we engage with the media as appropriate, eg during April-June 2013 we had 44 media enquiries and/or comments.
- Information on the EWON website about energy and water issues.
- A twice yearly newsletter for community organisations with information about energy and water issues and services for their clients.

2. Independence

EWON's decision-making processes and administration are independent from scheme members and from customers. EWON's independence is demonstrated by the variety of outcomes of matters investigated by EWON reflecting the diversity of agreements between customers and their providers, and the independent involvement of EWON in assisting the parties to reach these agreements.

If a customer has not contacted their provider about a complaint we will refer them to the company in the first instance (this is a Complaint Enquiry).

If a customer has contacted their provider but the matter is not resolved, we will refer appropriate matters to the company's specialist dispute resolution team to give them a further opportunity to try to resolve the issue with their customer (this is a Refer to Higher Level).

Where a customer is not satisfied with the outcome of their contact with the provider, EWON will investigate the complaint. We conduct our investigation on the basis of:

- the law and regulation
- good industry practice
- what is fair and reasonable in the circumstances of the matter.

If we cannot establish grounds for further investigation, eg it appears that a customer's disputed bill is correct, we provide written reasons for decision to the customer. In appropriate cases we might also refer the customer to a community agency for assistance in paying the bill, and to a service that can visit the customer's home to do an energy audit to identify the reasons for higher than expected energy consumption and ways of reducing this.

Most matters are resolved through negotiation or facilitation of an outcome. If we are not able to negotiate an outcome, the Ombudsman can make a binding decision – this is binding on the company but not on the customer.

3. Fairness

EWON applies the principles of procedural fairness in our decision making. We provide opportunities for all parties to have input into an investigation, and we explain the reasons for our decision in writing. Consumers can request a review of our decision if they are not satisfied with an outcome and if they can indicate an error in our investigation or where we relied on incorrect information, or provide relevant new information that was not available at the time of the investigation.

During 2012/13 we received 20 formal requests for internal review from 10,245 investigations.

4. Accountability

EWON publicly accounts for its operations by publishing information about complaints and highlighting any systemic industry issues.

We provide information to a range of key stakeholders about EWON's operation:

- Energy and water provider members: weekly, monthly, quarterly and ad hoc reports about complaints from customers of each company, as well as industry and systemic issues

- Regulators and government: quarterly and ad hoc reports to the Independent Pricing and Regulatory Tribunal of NSW, Australian Energy Regulator, NSW Department of Resources and Energy
- Community agencies: 6 monthly newsletters and 6 monthly Consultative Council meetings
- Media: we are responsive to media requests as appropriate, and we receive a large number of media references each year
- Submissions: our submissions to government or other agencies are public and are available on our website
- Website information and annual report.

EWON undertakes an independent review of its operation every 3-5 years.

5. Efficiency

EWON operates efficiently by conducting comprehensive yet timely investigation of complaints, ensuring complaints are dealt with by the appropriate process or forum, and regularly reviewing our performance.

We work to the following key performance indicators:

- 80% of telephone calls answered within 30 seconds: 91% for 2012/13
- Matters closed within 30 days: at 84% for 2012/13 we fell short of the target of 90%⁴.
- Refer to Higher level matters: we exceeded the benchmark of 25% for RHLs with 33% for 2012/13
- Matters open longer than 90 days: at 5% for 2012/13 we met the target for 2012/13.

6. Effectiveness

EWON is effective by having appropriate and comprehensive terms of reference and periodic independent reviews of its performance. EWON also undertakes regular stakeholder surveys about EWON's effectiveness, such as a customer satisfaction survey every two years, and member provider satisfaction surveys.

⁴ This was primarily attributable to a significant increase in complaints over recent years.

We engage with member providers and other stakeholders on a range of information sharing activities – member inductions, presentations, visits, meetings and submissions.

Dispute Resolution at EWON

Since EWON began in 1998 we have finalised over 185,987 complaints⁵ from NSW consumers.

Community worker comment

"... you helped so many clients in the last few years and they all are very happy and satisfied with the results. Even if the results are not exactly what they hoped to be they were very happy and satisfied with EWON staff conduct and professionalism. It is high praise in this day and age where people are losing hope that they can get some justice that does not cost much."

EWON provides a free service to energy and water customers in NSW. For EWON member providers it is a user pays system where providers pay membership fees and then are charged for the complaints received from their customers. A list of the current EWON energy and water member providers is available at www.ewon.com.au

EWON finalised 36,373 complaints in 2012/2013, up 45% on last year's 25,162 complaints – which represented a 43% rise compared with 2010/2011.

As with all previous years, in 2012/2013 electricity was the dominant subject of complaints, with the majority of cases concerning retail matters.

- Electricity complaints accounted for 29,924 complaints (82%), a 3% increase in the share of total complaints.
- Gas complaints rose by 15%.
- Dual fuel complaints increased by 58% to maintain a 4% share of total complaints.
- Water complaints to EWON remained stable at 3% of all complaints received.

The main complaint issues raised by customers are billing, credit and transfer related.

- Billing complaints include disputes about high bills, opening and closing accounts, delayed bills, errors with payments and deductions, back-bills, estimated bills and complaints about solar feed in tariff arrangements.

⁵ To end November 2013

- Credit complaint issues comprise payment difficulties (current bill and arrears), impending or completed disconnection of electricity/gas supply for non payment, debt collection, credit default listing issues.
- Transfer complaints include issues where the customer has been transferred without consent or in error, there is a delay in the transfer process, the request to cancel the contract in the cooling off period is not actioned or the customer disputes contract terms such as the termination fee or variations in the contract price or terms.

The underlying issue that often results in complaints coming to EWON rather than being addressed by the energy or water provider in the first instance is customer service. Customers said that they waited in telephone queues for long periods, often watching their limited mobile phone credit reduce considerably; they were not contacted as agreed; their emails or letters were not responded to; their request to speak to a supervisor was declined; they made appointments for meter reads that were not kept; and assurances that billing problems would be fixed were not fulfilled. After unsuccessful attempts to resolve issues directly with their providers, these customers turned to EWON.

Customer complaint issues in 2012/2013 were:

EWON complaint handling data from 2007 - 2013 is provided in the following tables to highlight the volume of complaints we handle and how these are lodged, our efficiency in resolving complaints, the range of outcomes we achieve and some demographic information about the consumers who contact EWON. This data demonstrates the robust access to justice EWON provides as an industry ombudsman scheme.

Please refer to Attachment One for a sample of EWON case studies that demonstrate timely resolution, monetary outcomes for consumers (large and small), assisting vulnerable consumers and complaints where a systemic issue was identified and addressed.

Table 1 shows the high, and increasing, volume of complaints EWON receives from NSW consumers

Table 1: Volume of contacts and complaints received

	2007-08	2007-08 %	2008-09	2008-09 %	2009-10	2009-10 %	2010-11	2010-11 %	2011-12	2011-12 %	2012-13	2012-13 %
Enquiries - number of approaches or contacts that are not complaints ¹	0	0.0%	0	0.0%	0	0.0%	225	1.3%	539	2.1%	792	2.2%
Complaints - number of in jurisdiction disputes ²	8913	100.0%	10521	100.0%	15048	100.0%	17333	98.7%	24623	97.9%	35581	97.8%
Total	8913	100.0%	10521	100.0%	15048	100.0%	17558	100.0%	25162	100.0%	36373	100.0%

¹ General enquiries that are not an 'expression of dissatisfaction'

² Complaint enquiries, Refer Higher Level, Level 1-3 and Determination

Table 2 shows how complaints are made by consumers – for all of these channels EWON offers a free access point ensuring there are no barriers to contacting EWON for any customer. There is an increasing number of complaints being made electronically via our online options of email and online complaint form. EWON acknowledges that while not all consumers have access to the internet a large number of consumers now prefer to engage

electronically. To continue to ensure access to justice, EWON and other Ombudsman services are adapting to the new and developing electronic communication tools that consumers now use in their everyday lives. As well as offering an online complaint form for consumers and advocates via our website, consumers also contact EWON via Twitter and Facebook and we have developed procedures to respond to any complaints or issues raised by consumers via these channels.

Table 2: How complaints can be made (online, telephone, writing, in person etc) includes percentage breakdowns

	2007-08	2007-08 %	2008-09	2008-09 %	2009-10	2009-10 %	2010-11	2010-11 %	2011-12	2011-12 %	2012-13	2012-13 %
E-mail	194	2.2%	236	2.2%	375	2.5%	674	3.8%	1218	4.8%	2138	5.9%
Fax	34	0.4%	34	0.3%	29	0.2%	74	0.4%	83	0.3%	97	0.3%
In Person	21	0.2%	9	0.1%	14	0.1%	16	0.1%	25	0.1%	16	0.0%
Letter	202	2.3%	175	1.7%	222	1.5%	283	1.6%	344	1.4%	381	1.0%
Telephone	7975	89.5%	9279	88.2%	13010	86.5%	14820	84.4%	20967	83.3%	29792	81.9%
Website	487	5.5%	788	7.5%	1398	9.3%	1691	9.6%	2525	10.0%	3949	10.9%
Total	8913	100.0%	10521	100.0%	15048	100.0%	17558	100.0%	25162	100.0%	36373	100.0%

Table 3 shows that EWON resolves customer complaints within relatively short timeframes, and this has been maintained over time and as our complaint volumes have increased significantly.

Table 3: Timeframes for resolution or finalisation of complaints

	2007-08	2007-08 %	2008-09	2008-09 %	2009-10	2009-10 %	2010-11	2010-11 %	2011-12	2011-12 %	2012-13	2012-13 %
Resolved/finalised within 10 days	7156	80.3%	8433	80.2%	11233	74.6%	11955	68.1%	15975	63.5%	23984	65.9%
Resolved/finalised within 30 days	615	6.9%	944	9.0%	1548	10.3%	2911	16.6%	5218	20.7%	6732	18.5%
Resolved/finalised within 90 days	647	7.3%	605	5.8%	1152	7.7%	1520	8.7%	2509	10.0%	3783	10.4%
Resolved/finalised within 180 days	348	3.9%	350	3.3%	662	4.4%	633	3.6%	914	3.6%	1232	3.4%
Resolved/finalised after > 180 days	147	1.6%	189	1.8%	453	3.0%	539	3.1%	546	2.2%	642	1.8%
Total	8913	100.0%	10521	100.0%	15048	100.0%	17558	100.0%	25162	100.0%	36373	100.0%

Table 4: Complaints resolved/finalised by process

	2007-08	2007-08 %	2008-09	2008-09 %	2009-10	2009-10 %	2010-11	2010-11 %	2011-12	2011-12 %	2012-13	2012-13 %
Complaints resolved by referral ⁴	5496	61.7%	7092	67.4%	9968	66.2%	11985	68.3%	16136	64.1%	26127	71.8%
Complaints resolved by conciliation ⁵	3416	38.3%	3429	32.6%	5080	33.8%	5573	31.7%	9026	35.9%	10246	28.2%
Complaints resolved by determination	1	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	8913	100.0%	10521	100.0%	15048	100.0%	17558	100.0%	25162	100.0%	36373	100.0%

⁴ General enquiries / Complaint enquiry & Refer Higher Level

⁵ Level 1-3 Investigations

Table 5: Advocate Representation (eg advocate, financial counsellor, lawyer, welfare worker, credit repair agency)

	2007-08	2007-08 %	2008-09	2008-09 %	2009-10	2009-10 %	2010-11	2010-11 %	2011-12	2011-12 %	2012-13	2012-13 %
None	7525	84.4%	9020	85.7%	12943	86.0%	15144	86.3%	21473	85.3%	31421	86.4%
Credit repair agent	0	0.0%	0	0.0%	0	0.0%	0	0.0%	81	0.3%	209	0.6%
Family Member	628	7.0%	742	7.1%	1026	6.8%	1011	5.8%	1319	5.2%	1836	5.0%

Financial Counsellor	11	0.1%	18	0.2%	19	0.1%	68	0.4%	69	0.3%	74	0.2%
Friend	68	0.8%	84	0.8%	86	0.6%	114	0.6%	208	0.8%	243	0.7%
MP	18	0.2%	26	0.2%	33	0.2%	31	0.2%	67	0.3%	96	0.3%
Neighbour	26	0.3%	27	0.3%	39	0.3%	39	0.2%	36	0.1%	64	0.2%
Other	162	1.8%	147	1.4%	260	1.7%	288	1.6%	367	1.5%	498	1.4%
Partner	317	3.6%	294	2.8%	469	3.1%	659	3.8%	1251	5.0%	1637	4.5%
Plumber / Electrician	0	0.0%	0	0.0%	0	0.0%	10	0.1%	14	0.1%	6	0.0%
Solicitor	27	0.3%	19	0.2%	22	0.1%	45	0.3%	68	0.3%	58	0.2%
Unknown	0	0.0%	1	0.0%	1	0.0%	5	0.0%	14	0.1%	5	0.0%
Welfare Worker	131	1.5%	143	1.4%	150	1.0%	144	0.8%	195	0.8%	226	0.6%
Total	8913	100.0%	10521	100.0%	15048	100.0%	17558	100.0%	25162	100.0%	36373	100.0%

Demographic information

EWON does not routinely collect customer demographic information about ethnicity and cultural background unless the customer volunteers the information or it is relevant to the complaint. Our data in this area is therefore under reported⁶. Many of the consumers who contact EWON are significantly disadvantaged or vulnerable. Many consumers report that they are struggling financially on very low or fixed incomes or government payments; often customers report limited English language skills, health or mental health issues, disability or literacy issues.

⁶ Where we have conducted small surveys which ask specific demographic questions, the number is always higher for people who identify as Aboriginal or Torres Strait Islander, as having a disability, or as CALD.

Table 6: Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse Customers

ATSI/CALD	2007-08	2007-08 %	2008-09	2008-09 %	2009-10	2009-10 %	2010-11	2010-11 %	2011-12	2011-12 %	2012-13	2012-13 %
ATSI ⁷	113	1.3%	103	1.0%	94	0.6%	68	0.4%	101	0.4%	80	0.2%
CALD	504	5.7%	444	4.2%	458	3.0%	381	2.2%	527	2.1%	633	1.7%
Unknown	8296	93.1%	9974	94.8%	14496	96.3%	17109	97.4%	24534	97.5%	35660	98.0%
Total	8913	100.0%	10521	100.0%	15048	100.0%	17558	100.0%	25162	100.0%	36373	100.0%

Table 7: EWON customers by region

Regional ³	2007-08	2007-08 %	2008-09	2008-09 %	2009-10	2009-10 %	2010-11	2010-11 %	2011-12	2011-12 %	2012-13	2012-13 %
Metro	6890	77.3%	8343	79.3%	11887	79.0%	13883	79.1%	18355	72.9%	25668	70.6%
Regional	1533	17.2%	1581	15.0%	2358	15.7%	2889	16.5%	5270	20.9%	8054	22.1%
Rural	339	3.8%	342	3.3%	544	3.6%	622	3.5%	1295	5.1%	2227	6.1%
Non-NSW	151	1.7%	255	2.4%	259	1.7%	164	0.9%	242	1.0%	424	1.2%
Total	8913	100.0%	10521	100.0%	15048	100.0%	17558	100.0%	25162	100.0%	36373	100.0%

³ Metro include all Major Cities of Australia, Regional includes all Inner Regional Australia and Rural includes all Outer Regional Australia, Remote Australia

⁷ We consider that some consumers who contact EWON do not identify themselves as ATSI and this appears to be supported by surveys where a direct question is asked.

and Very Remote Australia classified by Australian Bureau of Statistics as Remoteness Area

Table 8: EWON customers by complainant type

	2007-08	2007-08 %	2008-09	2008-09 %	2009-10	2009-10 %	2010-11	2010-11 %	2011-12	2011-12 %	2012-13	2012-13 %
Domestic	8246	92.5%	9951	94.6%	14211	94.4%	16675	95.0%	24005	95.4%	34414	94.6%
Business - small	512	5.7%	440	4.2%	703	4.7%	713	4.1%	967	3.8%	1661	4.6%
Business - other	82	0.9%	49	0.5%	70	0.5%	82	0.5%	102	0.4%	142	0.4%
Education Institution	0	0.0%	4	0.0%	4	0.0%	11	0.1%	11	0.0%	12	0.0%
Government	6	0.1%	19	0.2%	9	0.1%	9	0.1%	2	0.0%	16	0.0%
Not for Profit	19	0.2%	24	0.2%	25	0.2%	34	0.2%	36	0.1%	73	0.2%
Primary Producer	48	0.5%	34	0.3%	26	0.2%	34	0.2%	39	0.2%	55	0.2%
Total	8913	100.0%	10521	100.0%	15048	100.0%	17558	100.0%	25162	100.0%	36373	100.0%

Consumer satisfaction with EWON

To ensure we are providing an effective dispute resolution mechanism for NSW consumers EWON surveys people who contact us on a range of different measures. These measures include the ease in which customers can make a complaint, if they would recommend EWON to a friend, the knowledge and skills of staff, and how clearly the outcome was explained to them by staff. The results for customer satisfaction on how EWON handled the complaint overall have been exceptional to date: satisfaction rates of 85% in 2012, 88% in 2009, 90% in 2007 and 89% in 2005.

In the most recent survey conducted in 2012, 890 customer interviews were completed.

Customers were most satisfied with:

- The ease of making a complaint to EWON (96%)
- The courtesy and helpfulness of EWON staff (91%)
- Recommending EWON to a friend (92%)

Of the matters investigated by EWON 76% of customers expressed satisfaction with the outcome.

17% were not satisfied with the outcome of their complaint. However those not satisfied with the outcome still reported positively on EWON's performance in the handling of their complaint. For example:

- It was easy to make a complaint to EWON (94%)
- EWON staff were courteous and helpful (79%)
- Would recommend EWON to a friend (72%)
- The outcome was clearly explained (66%)

Of the customers surveyed whose complaint was investigated, 76% expressed satisfaction with the outcome even though only 59% reported that the complaint was resolved in their favour.

We consider this a key outcome of each customer survey. As an independent dispute resolution body EWON cannot deliver the outcome sought by every consumer. However, we can provide a service where consumers consider that we have dealt with their complaint fairly and appropriately, treated them with respect, kept them informed of the progress of the matter, and explained the outcome clearly.

Customer feedback

Consumer comments

"EWON was amazing. Really professional and kept me informed at every step."

"I wish to thank you for your assistance in this matter. [The retailer] and I have agreed a settlement and I have paid an amount I consider fair and reasonable. I consider this matter resolved and wish to thank you for your assistance in getting to a satisfactory conclusion."

"I would like to thank you for your assistance in resolving this long ongoing saga with the company."

"I wish to take a moment and thank you so much for resolving this matter for me. You have no idea of the stress, frustration and sleepless nights it has caused me. I had a long chat with a gentleman [from EWON] and he was both competent and compassionate (although didn't make any promises) – kudos to him."

"I would like to thank you for the help you have given me with this matter. I was at my wits end and going in circles. You made me feel comfortable, and stepped me through the process with a great outcome. You have done a wonderful job and I appreciate your efforts".

"I wish to thank you for interceding on my behalf in this matter and am now able to inform you that the company has offered a very acceptable and fair resolution. It has been very gratifying to know that there is someone available and willing to give support to the public when problem such as this arise and cause considerable emotional and financial discomfort".

Please refer to Attachment Two for other comments and feedback about EWON

targeted community engagement to ensure access to justice

Community outreach is an essential part of EWON's work to educate community workers, consumers and small businesses about energy and water issues and to raise awareness of our free service. Through presentations and participation in community events across NSW, our outreach communication combines information about EWON's role and dealing with suppliers with useful hints about energy and water savings, energy programs and government assistance available to consumers. EWON also meets regularly with a range of community and industry groups.

EWON takes on activities such as information stalls, presentations, expos, interagency meetings, forums in partnership with government and community agencies, 'Bring your bills' days, inductions for members and policy stakeholders, and participating in key interest groups. We are also very active in communicating with all stakeholders via our annual reports and regular newsletters. We also have fact sheets and online information in English and translated.

Since 2002 EWON has had a community outreach program and a dedicated Community Development Officer. In 2003 after a pilot Aboriginal community outreach project EWON created an identified Aboriginal Project Officer role. These two positions at EWON assist us to ensure vulnerable consumers who may otherwise have difficulty accessing mainstream legal and other assistance options know about EWON and how to raise a complaint. Some Indigenous and CALD consumers are able to raise issues with their energy or water services when we visit them, rather than having to access EWON by phone or in writing.

A focus for our outreach staff is also training and providing information to intermediaries such as community welfare workers, financial counsellors, CALD workers, emergency relief services and government agencies providing frontline services such as Centrelink. EWON has identified a number of disadvantaged consumer groups that we target our outreach activities towards, including: Indigenous, CALD communities including refugee and newly arrived groups, seniors, people with disabilities or health issue and their advocates.

Feedback about outreach activities

Comments from attendees and event organisers

"The initiative to commence these forums is much appreciated and congratulations to those concerned. This information will flow through community welfare organisations and

reach many people in need of assistance.”

“This makes my job... so much easier.”

“To EWON, Thank you for your participation during our pre -release expo day. The feedback received from our inmates reflected how valuable your input was to the day. I hope that you will be able to contribute in the future.”

EWON is pleased to provide this Inquiry with detailed information about the range of community outreach activities we undertake to highlight how EWON as an Ombudsman scheme promotes and raises awareness of access to justice via Ombudsman schemes, but also uses a strategic and cost effective approach in this outreach via partnerships with other services that also provide access to justice avenues and community support services. Please refer to Attachment Three for further details of EWON’s outreach activities in 2012 and 2013.

Quantifying EWON’s Aboriginal outreach activities

EWON has started to track the number of consumers and intermediaries that attend our outreach activities, including stalls, presentations, forums. Between July 2012 and April 2013 EWON estimates that our Aboriginal outreach activities reached over 1700 consumers and their representatives:

- 331 Aboriginal community workers and other intermediaries
- 750 Aboriginal consumers
- 250 Aboriginal consumers including seniors (and elders) and people with a disability and their advocates (for example family members).

The following table provides further details.

Category	Estimated Numbers reached	Forums or Presentations	Expos & events stalls
Aboriginal & Torres Strait Islander (ATSI) Financial counsellors	6	1	

ATSI Community workers	300	9	4
ATSI Government Agency workers	25	5	5
ATSI Small Business	20	2	0
ATSI Consumers	750	8	24
ATSI Seniors	200	1	1
ATSI Disability groups	50	2	1
Total	1701	28	47

Examples of EWON's Aboriginal outreach activities include:

- Membership of The Good Service Mob: this is a network of Indigenous staff in different complaint handling agencies. Since 2005 the Good Service Mob have held over twenty community information and complaints forums for Aboriginal communities in metro, regional and rural NSW.
- Presentations and visits to local Aboriginal Interagency meetings: these are community based services that meet regularly to share information and expertise and discuss community issues and needs.
- Rural and regional visits to Aboriginal communities and services in NSW.
- Information stalls at community events such as the annual Indigenous cultural festivals of NAIDOC week, YABUN festival and the Aboriginal Rugby League Knockout.

Quantifying EWON's other community outreach activities

EWON tracks the number of consumers and intermediaries who attend our outreach activities, including stalls, presentations, forums. Between July 2012 and April 2013 EWON estimates that our outreach activities reached over 6,500 consumers and their representatives:

- 520 CALD consumers and their advocates
- 931 community workers and other intermediaries
- 1380 small business representatives, including individual consumers
- 3674 consumers including seniors and people with a disability.

The following table provides further details.

Category	Estimated numbers reached	Forums or Presentations	Expos & events stalls
CALD	520	10	
Financial counsellors	160	2	1
Community workers	727	13	2
Government Agencies	44	3	
Small Business	1380	1	28
Consumers	2395	5	7
Seniors	1109	10	3
Disability groups	200		1
Total	6535	44	43

Providing access to justice via strategic partnerships

Community outreach in partnership

Much of EWON's outreach work is done in partnership with other organisations. We find this is a very effective way to provide information about a range of complaint handling, legal and consumer services. In partnership we do forums, stalls, rural and regional visits and "Bring your bills" days where consumers can meet with staff face to face for an appointment. These outreach partnership activities are not only cost effective for each agency involved, but we are also able to promote to a broader consumer base through each organisation's contacts and different networks.

As well, we conduct outreach visits to ensure consumers who may not be in a position to contact or visit us, are able to access EWON's dispute resolution services – we take our service to them. Going out to vulnerable and disadvantaged groups and their advocates provides another access point and this is important for Ombudsman services.

Some of our partnerships are highlighted in more detail below, however we partner with:

- Other Ombudsman schemes such as the Telecommunications Industry Ombudsman, Financial Ombudsman Service
- Complaint handling agencies such as ASIC, ACCC, Anti Discrimination Board, NSW Fair Trading, The Consumer Trader and Tenancy Tribunal
- Legal Aid NSW and Law Access
- Community welfare services such as Financial Counsellors Association of NSW, St Vincent de Paul Society NSW, Migrant Resource Centres

Outreach partnership case study:

EWON and Legal Aid NSW address energy utility and legal issues for Aboriginal consumers

EWON is currently working with the NSW Legal Aid Commission "Money Counts" project to assist Aboriginal consumers address some specific energy utility problems. EWON's role is to assist individual consumers resolve problems with their energy retailers, and Legal Aid is assisting the same consumers with their civil law issues. We provide this Inquiry with the following information to highlight how partnerships between legal and Ombudsman dispute resolution services can provide important access to justice for very vulnerable consumer groups.

EWON very recently visited a rural Aboriginal community in south western NSW with staff of NSW Legal Aid. In partnership we provided information and advice face to face during an information session and "Bring your bills day" event. During the day spent at the community EWON met with approximately 15 members of the local Aboriginal community and 8 members of the community living nearby.

The focus of the residents we met with was:

- their anxiety about their electricity bills and high arrears they cannot afford
- their concerns that their electricity bills are so high and they are not sure why this is the case.

The following issues highlight the challenges this community, like many Aboriginal remote, rural and isolated communities face:

- One resident (a mother with three very young children) disclosed that she could not read and we consider that other adult members of the extended family also may have limited literacy skills. We note this as the extended family members nominated a teenage member of the family as their contact.
- Despite financial hardship – some noted that their Centrelink benefit had changed to Newstart some months ago – the residents we spoke with all want to make regular payments on their electricity accounts, even if these accounts are now closed. For instance, one consumer said that she wanted to pay off the arrears of \$7,200 on the closed account. They had offered their energy provider \$100 per fortnight to pay the consumption on the current account and the arrears on the closed account as they have other significant expenses. The energy provider wanted \$2,000-\$3,000 upfront for the arrears on the closed account. When speaking to EWON the customer advised that they were responsible for the arrears and the arrears “hanging over their head” were “really getting her down”.
- One elderly customer was advised two years ago that she had to pay \$1000 upfront for arrears that were \$2,400 or she would be disconnected. The customer was making fortnightly payments of \$109 at that time and could not pay \$1000 upfront. The supply was disconnected and she had to move out of her home and has since lived with relatives.
- Transport difficulties for the residents compound their isolation and access to services.
- Other issues raised during this outreach were the unreasonably long wait times to contact providers compounded by difficulties with mobile phone reception. This issue would be common to many consumers living in rural, regional and remote areas and makes it difficult to contact providers and access services.
- On this outreach trip it was important to liaise with the Aboriginal Land Council and local community representatives as well as energy providers. We were able to visit this community as Legal Aid staff have worked closely with the local contacts and developed positive relationships, which led to the invitation to visit the community.
- We consider that the majority of the residents require further assistance with information about their electricity consumption; power saving measures; government concessions and rebate entitlements; other Centrelink entitlements; assistance with payment plans; and possibly, also, with safety of installations. EWON is following up these issues as appropriate.

We consider that the legal and dispute resolution needs of these consumers require more than a one-off visit. EWON will continue to work with Legal Aid and the local community to try to resolve their energy issues and another visit to the community is flagged for 2014. In providing this sort of targeted access to justice via outreach partnerships it is important to acknowledge issues can take time to resolve and require ongoing liaison and follow up.

Tackling Consumer Scams: EWON and NSW Fair Trading partnership

NSW consumers have been victim to two energy saving scams in recent years and both were reported to EWON by consumers. We alerted NSW Fair trading to these scams, who investigated the devices and confirmed that they did not work. Fair Trading took enforcement action against the businesses distributing the devices.

Case study: Scam #1

In 2011 EWON worked with NSW Fair Trading after a suspected energy saving scam was reported to EWON by a NSW consumer. EWON uncovered a major scam that had consumers paying around \$200 for a useless device. The telemarketers claimed that the 'electricity saving box', which was priced at around \$200, would save 30-40% of a household's electricity and reduce energy bills. They also falsely claimed that they were from the Australian Electricity Commission or Australian Energy Marketing Commission and that consumers would recover the full cost of the device via a government rebate 90 days after purchase.

In September 2011, EWON and NSW Fair Trading issued an urgent warning to all consumers about the hoax product, this 'electricity saving box', being sold by fraudulent telemarketers claiming to represent the government. Since issuing the release, EWON then received reports of new twists on the scam and increasingly intimidating tactics being used by the marketers, who targeted the Farsi-speaking community in particular.

In November 2011, Fair Trading Minister Anthony Roberts and the Energy & Water Ombudsman NSW Clare Petre, together with Choice and Professor Vic Gosbell from the University of Wollongong School of Electrical, Computer and Telecommunications Engineering, held a media conference about the cash-on-delivery energy saving device scam that had, at that date, taken Australian consumers for \$1.7 million.

Case study: Scam #2

In 2013 a consumer complained to EWON about a “power conditioner” device that her neighbour had bought for \$1,300. Following our report to NSW Fair Trading they seized hundreds of the devices when they closed down the business. Consumers were charged up to \$2000 for the device that did absolutely nothing, and in fact used power when tested by the University of Wollongong. Households had also had to pay for an electrician to install the device. This scam targeted pensioners and other low income households. The company was buying the devices for \$80 each and selling them from between \$1,300 and \$2,000.

NSW Fair Trading released the following YouTube video on the scam:

<http://www.youtube.com/watch?v=OSquROMHy0&feature=youtu.be>

Other Energy Scams

NSW customers and energy retailers have also reported to EWON various scams targeting energy customers. Sometimes the scammer misleads the customer into believing they represent their energy provider in order to collect personal information or credit card details.

Reported scams have included:

- Direct marketing scams – Customers have been contacted by companies offering rebates on energy efficient devices or selling power saving devices.
- Hoax email/phishing scams – One retailer has reported that a fake email was circulating with their company branding, stating that the person’s account was overpaid and in order to receive a refund, they needed to visit a website and provide their credit card details.

We advised customers that if they received an unexpected or suspicious call, email or visit, not to provide any personal details and to contact their energy retailer to verify the offer. For more information visit www.scamwatch.gov.au or check retailer websites for scam alerts.

Attachment One: EWON customer complaint case studies

Complaints that need timely resolution

Small supermarket owners face \$17,240 monthly bill on costly extension rates

A small supermarket changed hands and its store manager was trying to negotiate the terms of a new electricity contract when he became unwell and had to go on leave. The business owner was overseas and, in the meantime, the supplier moved the supermarket onto default extension rates on the grounds that no contract had been entered into.

Darren, the advocate for the business, called EWON for assistance. He said that the owners felt they weren't given enough opportunity to sign a contract and that the supplier had refused to backdate the offered contract to when the business changed hands.

The owners were now facing a \$17,240 bill for their first month of operation, whereas on the previous contract rates the bill would have been \$9,995, and their next bill was due soon.

They had since applied to transfer to another retailer. EWON investigated what notification had been provided to the business regarding the contract and the application of default extension rates. We also looked at how relevant laws and regulations had been applied by the retailer and what financial detriment the retailer would incur by supplying the customer at the previous market rate.

Following negotiations, the retailer eventually agreed to apply the rates offered in the original contract to the entire supply period. This reduced the bill by over \$13,000 and the business owners were very pleased with the outcome.

Unreasonable delay results in a determination

Nassir contacted EWON on behalf of Xiu who did not speak English very well, after her claim for compensation was denied by her electricity company. Nassir explained that in May 2005 Xiu's unit was without power for about two hours. When power was restored her satellite decoder would not work anymore. They took the decoder to a repairer who said it could not be repaired. Nassir submitted a claim to the company on behalf of Xiu, seeking \$379.20 to replace the decoder. In late September the company wrote to Xiu noting there had been an unplanned interruption but they denied her claim. Nassir contacted EWON in October 2005 and asked us to review their decision. He explained Xiu had a health condition which meant she spent a great deal of time at home and so her access to television was important to her. As Xiu relied on a disability support pension for her income, she could not afford to replace the decoder. In line with our investigation process, EWON asked the company to provide us with the information they used to assess the claim, along with details of the power interruption. Even though we made numerous requests over a period of months, the company did not provide sufficient information to enable a complete and independent investigation of the decision to deny Xiu's claim. In June 2006 the Ombudsman made a determination that the company pay Xiu \$440. The determination was made on customer service grounds, given that Xiu had experienced

unreasonable delay and inconvenience in waiting for her claim to be reviewed.

High Arrears and ongoing high consumption place Alice at risk of disconnection

Alice has been living in her current home for twenty years, with four children and one grandchild. Twelve months earlier a home power savings audit was conducted at Alice's home to help identify ways to reduce her household's consumption, but the average consumption was still \$227 per fortnight.

Previously, Alice had a \$100 per fortnight payment plan via Centrepay and she had been on the retailer's customer assistance program twice. The company had offered an incentive of \$1,690 towards her account if she kept up her payments, but she was unable to do so and defaulted on the payment plan.

Significant arrears had accumulated over eight years and Alice now owed \$9,500 in total. The supplier issued a disconnection notice for \$7,500 and said they wanted \$4,000 upfront as well as a payment arrangement of \$597 per fortnight to stop the disconnection.

Unable to meet these requirements, Alice went to her local neighbourhood centre who referred her to EWON and a financial counsellor. We contacted the retailer and asked them to put Alice's account on hold while we investigated the complaint and referred Alice to a number of EAPA* agencies for assistance.

Alice was only able to obtain \$240 in EAPA vouchers, which left her \$3,760 short of the amount her electricity retailer required to stop disconnection, and she considered she could only afford to pay \$110 per fortnight towards her bill. Considering the size of the arrears and Alice's debt history, the retailer was unwilling to reduce their requirements for suspending disconnection.

Following our negotiations however, they agreed to accept Alice back on their hardship program with payment arrangement of \$130/fortnight. The retailer also sent a field officer to Alice's home to explain how to read the meter and monitor usage.

Alice agreed to make regular payments, work with her children to reduce consumption and report meter readings to her supplier fortnightly. She understood that if she was unable to meet any of these commitments in the future her power supply would be at risk again.

* Energy Account Payment Assistance

Complaints with successful monetary outcomes, small and large

Family shocked to receive bills amounting to \$16,000 for disused land

Lynette, Arnold and Arnold's father purchased two blocks of disused industrial land in late 2010. Four months later they were contacted by the previous owner's electricity supplier and provided their details as requested to transfer over the account.

The blocks remained vacant and the new owners received no further correspondence from the supplier for 10 months. Then a bundle of 30 electricity bills arrived – one for each block for each of the 15 months that had passed since the property was transferred. Combined, the charges amounted to \$17,405.

The three joint owners had not known until this time that there was an industrial supply contract in place and no one had explained the contract's fee structure to them. Had they been advised by the energy supplier, or had a bill arrived earlier, they considered they would have disconnected the supply to the blocks.

Lynette felt that this billing delay was unreasonable, but the supplier maintained that the billing was correct and that they were liable for the balance owing. Lynette contacted EWON for help.

Our investigation found that some charges had been applied in error and we queried whether the retailer had observed the relevant regulations, in particular those concerning the retailer's responsibility to determine the expected rate of consumption of a customer for the purpose of determining what category of customer they fall within and what rates should apply.

The owners were very relieved by the retailer's decision to waive the full \$17,405 in fees owing on the accounts.

Customer in dire financial and personal circumstances faces account problems

Carl is an elderly Indigenous man, who is on a pension and has debilitating health problems and other difficulties. EWON was contacted by Carl's advocate who said Carl had a problem with an energy company and the issue had been going on for a few months. EWON learned that one of his relatives had moved into a property and persuaded Carl to open an electricity account in his name (even though Carl wasn't actually living there). Carl had also signed an authority for Centrepay, allowing regular deductions to be made from his pension towards the electricity account. This continued for a few months until the advocate intervened and cancelled the account. There was still \$118 owing on the account and Carl's advocate could not come to an agreement with the company, so he rang EWON. He explained that while he understood it was not the energy company's problem, Carl's financial and personal situation was dire. EWON brought the issue to the attention of a senior member at the energy company, who assessed the situation and given the circumstances, cancelled Carl's debt in full.

Retailer incorrectly debits customer for a \$2076 disputed bill

His quarterly gas bills were usually around \$100, so when Ray received a bill of \$2076 he called his retailer immediately. As the bill was unusually high, the retailer scheduled a meter inspection. The retailer could not specify a time for the inspection and as the meter was located inside his apartment, Ray's wife took a day off work. When the meter reader hadn't arrived by 4pm she called the retailer. While they assured her the meter reader would attend, no-one came to read the meter. Ray complained to senior staff in the company about what happened. They apologised and offered to reschedule the inspection. A few days later, on a Friday, the retailer debited \$2076 from Ray's account. This left his account overdrawn and his family without money for the weekend. On Monday, Ray called the retailer who said they would refund the money the next day. Ray waited five days but when he didn't receive a refund he called EWON for help. We contacted the retailer who organised Ray's refund. They acknowledged their poor service and the inconvenience to Ray and his family, and offered him a goodwill gesture of \$200. The next day Ray confirmed he had received the refund and he was satisfied with the retailer's response. He said he would wait for the outcome of the retailer's investigation of his disputed high bill, and contact EWON again if he was not satisfied.

Retailer fails to review customer's unusually high gas bill

Simar's usual quarterly gas bills were around \$320, so when he received a bill of \$6400 he thought there was a mistake and he contacted his retailer. The retailer told Simar they would review his account and get back to him, but they didn't. Simar followed up with his retailer another four times but he received no response and came to EWON for help. He explained that the large bill he received didn't specify a billing period and the bills he'd received since then were normal (around \$300). We contacted the retailer who advised that they had organised a check meter read which confirmed the distributor had provided them with incorrect data. This had resulted in Simar being significantly overcharged. The retailer adjusted Simar's account according to actual reads and his disputed bill reduced to \$132. The retailer also offered to waive the fees applied to the account and provided a \$150 customer service payment in recognition of their poor response to Simar's initial enquiry.

Customer report of a refunding issue

"Recently I had a problem with [the company] who refused to refund \$2795 to my account. I eventually contacted your office and was dealt with by [EWON staff member]. She got my money back in a few days. I found [your staff member] to be a very gracious and helpful person and very efficient. It meant a lot to me to be treated so well as I'd been having a hard time of things lately."

Complaints where we have assisted vulnerable consumers

Customer disconnected following non-payment of account

Sonia relies on a pension for her income and she lives in public housing with her four children. She was unable to make payments on her electricity account due to financial hardship and her supply was disconnected. With arrears of over \$2500 she was very stressed about her financial situation and contacted Lifeline, who referred her to EWON.

Sonia explained that the retailer had offered to put her on their hardship program some months before, but she could not afford to pay the \$166 per fortnight they were asking.

We contacted the retailer about reconnections. The retailer said that Sonia had a poor payment history and she had initiated a transfer to a different company. Given this, they would only reconnect if she made an upfront payment of \$850 and saw a financial counsellor.

Sonia advised EWON that her application to switch to another retailer had been declined due to her credit history. We explained the retailer's offer to Sonia and suggested she seek EAPA assistance. Sonia agreed to the offer and went to see a financial counsellor. The financial counsellor advised the retailer that Sonia could afford to pay a maximum of \$65 per week towards her electricity account.

Sonia's power was restored the day after the disconnection and she was able to obtain EAPA from two agencies to help reduce her debt. Her retailer placed her on their hardship program, where she will receive assistance in managing her account.

*Energy Accounts Payment Assistance

Customer seeks help after disconnection

Ming lives alone in a public housing unit and relies on a disability pension for his income. He paid \$15 per fortnight towards his electricity account through Centrepay. When his electricity supply was disconnected for arrears of \$467 he approached Centrelink for help. Centrelink called EWON on his behalf and organised an appointment with us. With the aid of a Cantonese interpreter, Ming told EWON that he needed to pay his retailer \$230 to be reconnected but he couldn't afford the upfront payment. EWON contacted Ming's electricity retailer and discussed his situation. His retailer agreed to reconnect his supply without an upfront payment, on the condition that Ming increased his fortnightly payment to \$30 and sought EAPA* vouchers. The retailer also offered to refer Ming to their customer assistance program. We explained the EAPA program to Ming and provided him with referrals. Ming said he was able to increase his fortnightly payments to \$30 to cover his consumption costs and was happy to be referred to the retailer's customer assistance program.

*Energy Accounts Payment Assistance

Customer doesn't understand 'Dear Customer' letters

Alhena is an Arabic speaking pensioner with limited English. She had been living in a women's housing property for a year and thought her electricity was included in her weekly rent. She didn't understand why she was receiving 'Dear Customer' letters so she ignored them. When her electricity supply was disconnected for arrears of \$941, Alhena's advocate, Sonya, contacted the retailer who requested an upfront payment of \$300 for reconnection. Sonya said that wouldn't be possible for Alhena and the retailer offered to reconnect her supply if she provided a financial counsellors' report. Sonya made an appointment with a financial counsellor and called EWON for help. She said it may be a few days until they could get a report and the next available EAPA appointment was in two weeks' time. Sonya asked if we could negotiate with the retailer to have the supply reconnected sooner and whether they would accept a payment plan of \$100 per fortnight. We contacted Alhena's retailer and explained she had made an appointment with a financial counsellor but they could not confirm when she would receive a report. The retailer agreed to reconnect Alhena's supply and refer her to their assistance program. They also waived the late payment fees on her account and accepted her payment plan offer.

Customer disconnected for 8 months

Judy called EWON on behalf of her cousin Scott, an Indigenous man who had been living without hot water since his gas was disconnected 8 months ago. Judy said that Scott was permanently in a wheelchair. He wasn't comfortable talking on the phone so she was calling for him. She said he couldn't go on without hot water – he had been using cold water but winter was approaching. Scott had made part payments towards his bill and only had \$20 arrears outstanding. His bills were usually less than \$100 but having been disconnected four times in the past two years his debt was mostly made up of reconnection fees. The disconnections happened when he was in and out of hospital and couldn't get to pay his bills. EWON contacted the company who said they would reconnect and waive the fee if Scott set up a Centrepay arrangement so regular payments would be made. Scott agreed and Judy helped him set up Centrepay to cover future usage and avoid disconnection.

Complaints that revealed a systemic issue that was addressed

Unauthorised direct debits from customer accounts – 530 customers impacted

Sarah called EWON after she noticed that her bank account was overdrawn as her energy provider had taken \$453 from her account, when they were only meant to take \$150. Sarah had spoken to the provider and was not satisfied with their response. Sarah was on a payment plan of \$150 each fortnight to pay off a debt on a closed account at her previous property. When she spoke to the provider she was advised that the withdrawal was an error but there was nothing that they could do to stop the transfer and it would take 5 days to refund the money to her. Sarah told EWON that she cannot go without the money as she has 4 children and this would cause her financial hardship. When she spoke to her bank they said they would try to stop the transfer. When EWON spoke to the provider they advised that there had been a problem with the migration of a group of customers to a new system and this had impacted other customers too. The provider raised a work request to have the money transferred back to the customer and

confirmed this would take 5 days. As well, they applied a \$150 customer service gesture to the account. Sarah was satisfied with this outcome.

As the EWON Investigations Officer had received a complaint similar to Sarah's from another customer who had an unauthorised amount of \$668 withdrawn from a bank account, they flagged the cases with the EWON policy team as a potential systemic issue impacting other customers. EWON reported the issue to a senior contact at the provider and it was confirmed that a systems issue had caused unauthorised direct debit withdrawals from 530 customer bank accounts. The total balance of the customer's remaining arrears had been withdrawn instead of the agreed payment plan amount. All funds were refunded to these customers and the provider offered to refund any bank dishonour fees.

Customer credit listed twice for the same debt – 18,404 customers impacted

EWON received a number of complaints from customers who said that they had been credit default listed a second time for an old energy debt. EWON raised this issue as a potential systemic issue and was advised by the provider that there had been an error with a new billing system collections process and a group of customers whose debt had previously been written off and credit default listed were relisted in error. The provider arranged for the identified duplicates to be removed by the credit reporting agency, however there were delays in this occurring which resulted in further complaints. The issue was finally resolved and the provider and credit reporting agency put in place steps to ensure the issue would not occur again with future customer systems changes.

Elderly customers in retirement village transferred without consent – 100+ customers impacted

EWON received a number of complaints from residents of a retirement village that their electricity accounts had been transferred to a new provider in error. In one complaint the manager of the village suggested that approximately half of the around 240 residents had received notices from the provider advising that their accounts were being transferred. The manager did not think that any of the residents had had any contact with this provider. EWON referred these matters to the provider and requested further information.

After contacting the provider they advised that all the transfers put through at that date were cancelled (whether or not the customer made a formal complaint) and the customers were being returned to their original retailer with no further action required. The problem arose because the neighbouring residential park had wanted to transfer all their accounts, but the wrong retirement village was transferred instead.

Community worker raises concern about marketing practice

Terry works with a community agency that helps disadvantaged people living in public housing. He rang EWON when he found a number of his clients in one unit block had been approached by energy marketers. He said 7 out of 8 families had signed contracts that he found disturbing because at least two of the account holders suffered disabilities that would make it hard for them to make an informed decision. One customer had told Terry that the marketers said their current energy supplier was going out of business and if they wanted to stay connected, they would need to sign a contract. When one customer said he didn't want to sign, the marketer verbally abused him and stormed off. Terry complained to EWON because he felt the residents had been targeted as a group. He was concerned that most of them did not really understand what was being offered and the fine print was so small it would be difficult for someone with literacy issues to read. EWON discussed Terry's complaint with the retailer who acknowledged there had been a breach of the Marketing Code and that this would be reported to the regulator. The contracts were cancelled.

Marketing via mobile phone outlets in shopping centres

One retailer partnered with mobile phone stores found in many suburban shopping centres. Staff in these outlets would be able to offer their mobile phone customers an energy contract. EWON had several complaints from customers who had refused the offer of an energy contract, but found that their accounts had transferred without their consent. This was particularly problematic, as these staff had access to all the customers' personal details from their mobile phone contracts, so were able to action the transfers without the customer's active involvement. It appeared that the staff in these outlets had been inadequately trained in the energy marketing laws, which could potentially impact on a large number of customers. After discussions with the energy retailer, the initial response was to set in place more stringent protocols for energy marketing by these mobile phone stores. When complaints continued, the retailer discontinued the relationship with these stores.

Attachment two: Other STAKEHOLDER comments and feedback

Customer comments

"...thank you for your efforts regarding my investigation. I have read your report thoroughly and can only be impressed with the work you have done. I accept all of your findings (including those that I did not previously understand, like the short billings in the early years from [company] that have been in my favour). I had tried so long and so hard to get any answers from [company] – without any success, that it is a delight to get such clarity on the whole matter and I thank you for that."

"I would like to express my appreciation of the manner in which your office successfully resolved my dispute over billing with [the company]. My own attempts to resolve the issue with [the company] always met with indifference and finally I was told by a supervisor that in effect I was just being a nuisance and that his company "did not make such mistakes". The matter does not reflect well on [the company's] customer relations. Without your help I would have had to admit defeat and pay up the gross overcharging."

"I wanted to thank you sincerely for your intervention with [the company] in resolving the issues I have had with them for almost two years. Your service provided the necessary 'strong arm' and achieved the satisfactory resolution I could not within 48 hours."

"It is amazing what 'cc to Ombudsman' can do. For over two weeks I had no replies to my emails or letters, yet today I received two email replies and two phone calls from the company."

"Thank you again for having such a gentle nature and caring so much to do your job well."

"Thanks for the work you have undertaken on behalf of our organisation in regard to our billing dispute. Our staff who were involved cannot speak highly enough of your professionalism, regular calls to keep us informed of developments, and the negotiation of a satisfactory resolution to the matter."

"Thank you for the tireless and efficient way you helped us deal with our negotiations with the company. You rang when you said you would ...you were reliable and ethical, and we appreciated the honest way you conducted yourself and interacted with us."

[From a customer's letter to the Minister]"...I am writing to thank you for, and encourage you to protect, the whole idea of free help through bodies such as EWON. I am still in the process of having 'a wrong righted', however I believe I would have had absolutely no joy or hope for true justice to be served if not for this group of intelligent, hardworking and caring people."

Provider comment

"...I would like to take this opportunity to pass on to the Ombudsman and her staff [our]

appreciation for the even handed manner in which she and her staff have discharged their duties... we consider EWON operations a model for productive and constructive utility regulation."

Attachment three:

EWON's community outreach activities in 2012 and 2013

The following example is only a snap shot but demonstrates the breadth of outreach we undertake and how, through our partnerships and targeted approach, we reach a very large number of NSW consumers and advocates.

EWON's community outreach activities for July – September 2013 quarter

	Date	Activity	Detail
1.	3/07/2013	Stall	Australian Jobs Expo - Gosford
2.	4/07/2013	Presentation	Seniors - Probus Berowra
3.	8/07/2013	Presentation	Seniors - Probus Ladies Caringbah
4.	08/07/2013	Stall	NAIDOC Community Fun Day - Wollindilly
	3		
5.	9/07/2013	Stall	NAIDOC Day Campbelltown
6.	10/07/2013	Stall	NAIDOC Day Central Coast
	3		
7.	11/07/2013	Presentation	Community Workers - Anglicare Liverpool
	3		
8.	11/07/2013	Stall	NAIDOC Family Fun Day – Tharawal Aboriginal Corporation
	3		
9.	12/07/2013	Stall	Redfern NAIDOC day
	3		
10.	18/07/2013	Presentation	Family Support Group - Miller
	3		
11.	19/07/2013	Workshop	Financial counselling trainees - in house
	3		
12.	22/07/2013	Presentation	Seniors - Probus Russell-lea

	Date	Activity	Detail
	3		
13.	23/07/2013	Presentation	Seniors - National Seniors Wyong
	3		
14.	23/07/2013	Presentation	Wadji Wadju Community Group – Lower Blue Mountains
	3		
15.	29/07/2013	Stall	Coast Connect – Central Coast
	3		
16.	30/07/2013	Presentation and Stall	Associations - Ulladulla
	3		
17.	31/07/2013	Forum	Community Workers - Ulladulla hosted by NSW Fair Trading with speakers EWON, TARS, LawAccess
	3		
18.	31/07/2013	Presentation and stall	Landlords - at NSW Fair Trading forum in Ulladulla
	3		
19.	31/07/2013	Resources for Presentations	NSW Trade and Investment 250 resources for distribution in Sydney Inner region, Wagga, Deniliquin, Bega, Queanbeyan, Narrabri, Tamworth, Armidale
	3		
20.	31/07/2013	Resources	Building Expos - NSW Fair Trading to distribute our small business fact sheet and brochure at Building expos in Wyong, Willoughby, Hornsby, Wollongong, Cessnock, Revesby and Port Macquarie
	3		
21.	1/08/2013	Static Stall x 3	NSW Fair Trading - Tenancy , Strata and Building Forums in Ulladulla
22.	6/08/2013	Expo Stall	Hunter Homeless Connect Day Broadmeadow
23.	7/08/2013	Presentation	Community Worker Forum Cessnock with NSW Fair Trading and SDRO
24.	12/08/2013	Presentation	Birrung Birrung Tenancy Forum
	3		
25.	14/08/2013	Presentation	3E Energy Efficiency Forum Parramatta organised by the Community Migrant Resource Centre
	3		
26.	16/08/2013	Presentation	Financial Counsellors Association of NSW - Association Meeting
	3		
27.	20/08/2013	Meeting	Pacific Island Communities forum meeting with NSW

	Date	Activity	Detail
	3		Ombudsman/NSW Fair Trading
28.	21/08/2013	Meeting	ADR Meeting - JOIN Group
29.	26/08/2013	Pilot Program	Bring Your Bills Days - SydWest Multicultural Services Blacktown Tamil
30.	26/08/2013	Presentation	Darrubin Housing Forum – Central Coast
31.	27/08/2013	Pilot Program	Bring Your Bills Days - SydWest Multicultural Services Blacktown Nepali/Hindi
32.	27/08/2013	Stall	La Perouse Wrap around service
33.	28/08/2013	Pilot Program	Bring Your Bills Days - SydWest Multicultural Services Blacktown
34.	29/08/2013	Pilot Program	Bring Your Bills Days - SydWest Multicultural Services Blacktown
35.	29/08/2013	Stall	Common Ground Koori Outreach - Camperdown
36.	5/09/2013	Presentation	South East Sydney Koori Interagency
37.	10/09/2013	Stall	Redfern Wrap Around Service
38.	16 & 17/09/2013	Expo Stall	Financial Counsellors Association of NSW - Conference
39.	17/09/2013	2 x Presentation	Ombudsman participated in two panel sessions at the FCAN conference
40.	17/09/2013	Film clip	Ombudsman included in a video for trainee financial counsellors and EAPA providers at the FCAN conference
41.	18/09/2013	Presentation	CALD - Illawarra Multicultural Services Wollongong
42.	19/09/2013	Agency visit	Smith Family - Savers Plus Program Wollongong

	Date	Activity	Detail
43.	24/09/2013	Stall	La Perouse NAIDOC Family Fun Day
44.	25/09/2013	Presentation	Salvation Army - Auburn for Community workers
45.	25/09/2013	Stall	Bellbrook Community Information Day (NAIDOC)
46.	26/09/2013	Presentation	Central Coast Tenancy forum
47.	30/09/2013	Stall	ACRC Family Culture Day – Blue Mountains

EWON Outreach activities in 2012 - 2013

Outreach to Aboriginal and Torres Strait Islander consumers and their advocates

2012-2013 Presentations and forums on EWON and energy issues/customer assistance to Indigenous consumers and their advocates were:

- Financial Literacy Road show at Boggabilla, Collarenebri, Lightning Ridge, Walgett and Moree
- Better Access Program at Wee Waa and Narrabri
- Good Service Mob Forum at Kempsey, Port Macquarie, Taree, and Forster-Tuncurry
- Mingaletta Aboriginal Tenancy Forum at Umina
- Aboriginal and Torres Strait Islander Financial Counselling Training Group in Penrith
- Eastern Sydney Koori Women’s Network in Randwick
- Mid Mountains Elders Day in Lawson
- Interagency groups including:
 - Koori South Eastern Sydney interagency
 - Wollongong interagency meeting
 - Koori Interagency meeting in Western Sydney
 - Koori Interagency meeting in Glebe

EWON stalls at Indigenous community events in 2012-2013 were:

- Redfern 'Wrap around' service events - Connecting Community to Services
- Yabun Festival at Victoria Park Sydney
- Good Service Mob & Cooperative Legal Service Delivery Program (CLSD) in Murrin Bridge and Lake Cargelligo
- NAIDOC stalls in Cronulla, Redfern and Woolloomooloo

Outreach to other target consumer groups and intermediaries

2012-2013 Information forums:

- North Penrith Community Centre Forum for community workers and housing tenants. EWON presented, and so did Origin Energy.
- Anti-Poverty week forum hosted by EWON at Newcastle with speakers from the Telecommunications Industry Ombudsman, IPART and Hunter Water
- NSW Fair Trading and EWON community worker forum in Forster, visited by the NSW Fair Trading Minister and local Member of Parliament
- Fairfield Council, STAARTS and NSW Fair Trading hosted a forum with EWON and other speakers for CALD Community workers
- Organised by Junction Neighbourhood Centre held at Maroubra with NSW Fair Trading & Kingsford Legal Centre for residents
- Community workers forum partnering with NSW Fair Trading at Dee Why and Singleton
- Taree Consumer & Community Worker forum
- Port Macquarie Community Worker forum
- Kempsey Community worker forum in partnership with NSW Fair Trading and Legal Aid
- Kempsey Seniors forum hosted in partnership with NSW Fair Trading
- Kempsey small business forum for Motor Dealers, Landlords, Real estate agents and Associations

- Law week Forum. Partnering with CLSD/Legal Aid in Bathurst for community workers and financial counsellors
- Pacific Island Communities forum hosted by EWON in partnership with ASIC, NSW Fair Trading and NSW Ombudsman, in Campbelltown

2012-2013 Presentations on EWON and energy issues/customer assistance to:

- New Horizons Workshop at Fairfield to the Arabic and Somali community with interpreters
- Seniors at Freshwater
- Seniors at Probus in Bangor
- Home and Community Care Issues Forum at NCOSS
- Navitas College students at Auburn at varying levels of literacy using interpreters
- Financial Counselling trainees held at EWON
- Vital Information Session at NSW Parliament House for MP staff across NSW
- Small Business Filipino Community in Blacktown organised by NSW Fair Trading
- Maltese group at Sutherland and St George
- Women at Legacy in Sydney
- 'Older Women's' Network at Harris Park
- Women's Refuge Fennell Bay Westlakes
- SydWest Multicultural Services in Blacktown
- Khmer Community at Cabramatta
- Hawkesbury Cancer Support Group in Richmond
- Women's Refuge in Wyong
- National Seniors at Tuggerah
- Women at Auburn Diversity Services
- Small Business Advisors group in Yass and Coffs Harbour via the Small Business Commissioner NSW
- Parks and Village (PAVS) in Windang

- NSW Fair Trading, ASIC, LawAccess – Partnership in community and small business forums
- Housing NSW and NSW Fair Trading staff in Port Macquarie
- Chinese Seniors group at Newtown
- Parramatta Holroyd Family Support in Pendle Hill for young mothers
- SydWest Multicultural Services in Blacktown for newly arrived refugees
- SydWest Multicultural Services Blacktown for Dinka & Juba Arabic community
- NSW Community Housing Conference Sydney
- Financial Counselling trainees from across NSW held in EWON's office
- Community workers in the Blue Mountains with NSW Fair Trading, ASIC, and LawAccess
- Seniors group at Lalor Park
- Bhutanese community at SydWest Multicultural Services in Blacktown
- NSW Aged Care Alliance hosted by NCOSS
- Seniors, Probus in Chatswood
- Mandarin speaking group of young mothers in Gymea
- Cantonese speaking group in Epping
- Parents, carers and family of people with disabilities at Castle Hill
- Community workers forum at Parramatta
- Housing Tenants Forum at The Entrance, organised by Compass Housing
- Financial Counselling Trainees at Penrith
- Women at Legacy Western Sydney
- Community workers at the Benevolent Society in Rosebery
- Probus Maroubra
- Inarri Women's Housing at Marrickville
- Communicare Outreach at Newtown

EWON stalls at community events in 2012-2013:

- Blacktown Council Conference for community workers
- Kogarah event hosted by NSW Fair Trading for Small Business including Motor Vehicle Repairers, Real Estate Agents and Landlords, Strata Title Agents, Incorporated Associations and Strata Management
- Macarthur Jobs Expo Campbelltown
- Small Business – Motor Dealers and Repairers seminar hosted by NSW Fair Trading in Forster
- NSW Fair Trading seminars for Real Estate Agents, Strata Management and Landlords in Forster
- Hunter Homeless Connect Day at Broadmeadow
- Homeless HUB Willoughby at Chatswood
- ACWA Australian Children’s Welfare Agencies Annual Conference at Darling Harbour
- Small Business – NSW Fair Trading Building Expo at Castle Hill
- FCAN Financial Counsellors Association of NSW Inc Annual Conference
- Financial Literacy Roadshow in Parkes, Cowra, Condobolin, Forbes and Orange
- Central Coast Connect at Lake Haven
- EduCare Expo for workers, carers and families at Cardiff
- NSW Fair Trading seminars for motor dealers
- Small business forums NSW Fair Trading for landlords, real estate agents, strata management and associations at Dee Why
- NSW Fair Trading Builders Forum at Dee Why
- Environmental Expo at Meadowbank TAFE
- Pacific Unity Festival at Lidcombe
- Blacktown-Mt Druitt Interagency expo
- Hebersham Public School
- GP Closing the Gap Conference
- Mardi Gras Fair Day
- NSW Community Housing Conference Sydney
- Seniors week at Strathfield Town Hall and Eastwood Community Expo

- Royal Agricultural Show in Homebush, shared event with TARS, NSW Fair Trading, ACCC, TIO, PHIO, NSW Ombudsman for Seniors Day
- NSW Community Housing Conference
- Small Business – Motor dealers and Repairers hosted by NSW Fair Trading in the Blue Mountains
- Builders Expo at the Blue Mountains
- Small Business – Real Estate Agents, Incorporated Associations and Private Landlords
- Australian Jobs and Skills Expo in Penrith
- Disability Expo in Newcastle. Expo for community workers, carers, frail aged, disabled and families
- Peninsula Links Community Expo in Woy Woy
- Nepean Volunteer Expo in Penrith
- Ashcroft School Expo for parents and carers
- Small Business Associations, Motor Repairers and Dealers, Real Estate Agents, and landlords at the NSW Fair Trading seminar at Parramatta
- Disability Youth group at Parramatta
- Parent and Community Information Expo at Doonside
- Sydney Homeless Connect

Visits:

- Retirement Village at Forster
- Small Business – Incorporated Associations seminar hosted by NSW Fair Trading in Forster