

The Credit Ombudsman Scheme
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1 September 2014

Thank you for the opportunity to contribute to the consultation: *Unacceptable conduct by representatives of complaints.*

The Energy & Water Ombudsman NSW (EWON) provides a free, fair and independent dispute resolution service for all electricity and gas customers in New South Wales, and some water customers.

We investigate customer complaints about a range of credit-related issues in relation to energy or water debts. When a customer contacts EWON about a credit listing resulting from an energy debt, our investigations officers contact the retailer for details of the debt. Where there are any concerns about the accuracy of the information on which the listing was based, the retailer will be asked to remove the listing.

EWON, in common with the equivalent jurisdictional ombudsmen in Australia, has been experiencing an increasing number of approaches from credit repair/fix agents acting as an advocate on behalf of their clients. We understand this is also the situation with other industry ombudsman offices, in particular the TIO, FOS and COSL. As these agents charge their clients a fee for their service, EWON was concerned to communicate to the customers that the service EWON provides is free of charge.

In consultation with members of ANZEWON, the Australia and New Zealand Energy & Water Ombudsman Network, we agreed a common approach to representatives who charge a fee for their services. The following notice is now on EWON's website:

<http://www.ewon.com.au/index.cfm/making-a-complaint/>

Note about representatives or advocates who charge their clients a fee

EWON provides a free service for all electricity and natural gas consumers in NSW and some water consumers. Consumers are not charged for EWON's services when they contact us for assistance with the resolution of complaints.

If EWON is contacted by a representative on behalf of a consumer we require an authority from the consumer, either verbally or in writing. (EWON has an [Authority to Act Form](#) for this purpose.)

Where it appears the representative is charging the consumer in relation to any aspect of the matter referred to EWON, we will contact the consumer directly and advise them that our service is free. If the consumer chooses to continue to be represented by their agent for a fee, the consumer's wishes will be respected and EWON will deal with their agent.

If the consumer advises that they wish to deal directly with EWON to avoid incurring any costs, we will confirm this in writing to the consumer and deal directly with them regarding their energy or water complaint. It is the consumer's responsibility to advise the agent of their decision to deal directly with EWON.

This approach to paid representatives is consistent with other members of ANZEWON, the Australia and New Zealand Energy & Water Ombudsman Network.

Further concerns arise where an agency's contract charges penalty fees if their client discusses the credit default listing with another party. Our process with such agents is to request them to either arrange for the customer to contact us or allow us to contact the customers directly, and to provide an assurance that the customers will not be charged penalty fees under their contracts for contacting EWON.

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

Yours sincerely



Clare Petre
Energy & Water Ombudsman NSW