
EWON 2024 Independent Review Terms of Reference February 2024

Introduction

The EWON Constitution stipulates EWON must commission an independent review of EWON's complaint handling service and the operations of the office at least every five years, or more frequently if the Board so decides, in accordance with the [Benchmarks for Industry Based Customer Dispute Resolution](#).

EWON's last independent review was conducted by Dr Gavin McBurnie and Jane Williams from Queen Margaret University's Consumer Dispute Resolution Centre in 2019. The [report](#) and [Board response](#) is available on EWON's website.

This document sets out the Terms of Reference for the 2024 Independent Review.

The Final Report of the Independent Review will be made publicly available on EWON's website.

EWON's obligations for independent review

In accordance with EWON's Constitution:

- 20.2 EWON must commission an independent review of EWON's complaint handling service and the operations of the office at least every five years, or more frequently if the Board so decides, in accordance with the Benchmarks for Industry Based Customer Dispute Resolution.
- 20.3 EWON must commission an independent review of the effectiveness of EWON governance at least every five years, or more frequently if the Board so decides.
- 20.4 The Reviewer/s, appointed under section 20.2 and 20.3 must prepare and present to the Board a written report of findings and recommendations and may include recommendations about improvements to any aspect of EWON's operations or governance.
- 20.5 An appropriate summary of the reviewer/s recommendations must be published on EWON's website.
- 20.6 The Board and the Ombudsman must consider and respond to the findings of the Reviewer/s.

As a recognised external dispute resolution scheme under the Privacy Act 1988, EWON has additional obligations to independently review EWON's privacy-related complaint handling, operations and procedures and report the relevant sections of the review to the Information Commissioner. In accordance with the requirements of recognition, the Office of the Australian Information Commissioner has reviewed and accepted, privacy related terms of reference as meeting EWON's OAIC independent review obligations.

Terms of Reference

The primary matters for enquiry and report are:

- Review of EWON’s complaint handling service, complaint resolutions/remedies and procedures across all of EWON’s primary complaint issues (including billing, credit, customer service, land, marketing, privacy, provision, supply, transfer) and its related operations, including systemic issue identification, complaints reduction and policy influencing work to ensure they are in accordance with the Australian Government’s Benchmarks for Industry Based Customer Dispute Resolution (CDR Benchmarks):
 - accessibility
 - independence
 - fairness
 - accountability
 - efficiency
 - effectiveness
- Member / stakeholder engagement
- Promotion of EWON’s services to customers
- Complainant satisfaction
- The effectiveness of the statute, charter, terms of reference or other document establishing the office, its jurisdiction, functions, rules and procedures
- EWON’s commitment to privacy.

Without limiting the scope of the review and **full consideration** of the CDR Benchmarks, the EWON Board requests the questions stated under each benchmark be addressed:

Benchmark 1 Accessibility

Principle

The office makes itself readily available to customers by promoting knowledge of its services, being easy to use and having no cost barriers.

Purpose

To promote access to the office on an equitable basis.

1. Does EWON effectively promote awareness about its role and function particularly to vulnerable and disadvantaged customers?
2. Are EWON’s processes easy to access, easy to use and have no cost barriers?

Benchmark 2 Independence

Principle

The decision-making process and administration of the office are independent from participating organisations.

Purpose

To ensure that the processes and decisions of the office are objective and unbiased and are seen to be objective and unbiased.

1. Are case handling and decision-making processes independent and impartial and are they seen to be independent and impartial?
2. Does the Constitution and Charter of EWON continue to support the independence of EWON?

Benchmark 3 Fairness

Principle

The procedures and decision-making of the office are fair and seen to be fair.

Purpose

To ensure that the office performs its functions in a manner that is fair and seen to be fair.

1. Does EWON observe the principles of procedural fairness in the handling of complaints?
2. Does EWON have quality assurance processes to ensure fair processes are used and fair and seen to be fair?

Benchmark 4 Accountability

Principle

The office publicly accounts for its operations by publishing its final determinations and information about complaints and reporting any systemic problems to its participating organisations, policy agencies and regulators.²⁴

Purpose

To ensure public confidence in the office and allow assessment and improvement of its performance and that of participating organisations.

1. Does EWON have a process for accepting complaints about EWON. Including complaints about case management, privacy, jurisdiction and day to day operations of EWON?
2. Does EWON fulfil the CDR Benchmarks for public reporting?
3. Does EWON have a process(es) in place to promote industry improvement?

Benchmark 5 Efficiency

Principle

The office operates efficiently by keeping track of complaints, ensuring complaints are dealt with by the appropriate process or forum and regularly reviewing its performance.

Purpose

To give the community and participating organisations confidence in the office and to ensure the office provides value for its funding.

1. Does EWON's structure and processes deliver timely, independent and fair outcomes for customers and members which in turn, builds confidence in the office and ensures the office provides value for its funding?

Benchmark 6 Effectiveness

Principle

The office is effective by having an appropriate and comprehensive jurisdiction and periodic independent reviews of its performance.

Purpose

To promote community confidence in the office and ensure that the office fulfils its role.

1. Does EWON's Charter provide sufficient jurisdictional coverage to enable EWON to handle complaints about current and emerging issues in the energy and water sectors.
2. Does EWON have sufficient powers and mechanisms in place to ensure member compliance with EWON policies and processes?