



Speech By  
**Hon. Mark Bailey**


**MEMBER FOR YEERONGPILLY**

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Record of Proceedings, 15 September 2015

## **ENERGY AND WATER OMBUDSMAN AMENDMENT BILL**

### **Introduction**

 **Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply) (12.31 pm): I present a bill for an act to amend the Energy and Water Ombudsman Act 2006 and the National Energy Retail Law (Queensland) Act 2014 for particular purposes. I table the bill and explanatory notes and I nominate the Utilities, Science and Innovation Committee to consider the bill.

*Tabled paper:* Energy and Water Ombudsman Amendment Bill 2015 [[1061](#)].

*Tabled paper:* Energy and Water Ombudsman Amendment Bill 2015, explanatory notes [[1062](#)].

I present a bill to amend the Energy and Water Ombudsman Act 2006 for particular purposes. These include extending access to the Energy and Water Ombudsman, known as EWOQ, for small business customers using between 100 and 160 megawatt hours of electricity per year, as well as amendments to allow for EWOQ to be recognised as an external dispute resolution scheme for the purposes of the Commonwealth Privacy Act 1988. The bill includes amendments to increase transparency around EWOQ's billing practices relating to user-pays fees issued to service providers. The bill also amends the National Energy Retail Law (Queensland) Act 2014 to correct an administrative numbering error that exists in the act's schedule.

Queensland small business enterprises are recognised by the government as a significant contributor to the state's economic and jobs growth and as the backbone of regional economies. That is why it is important that all small businesses are given the strongest possible support to ensure they can get on with serving and employing people right across Queensland. Many small businesses that are dependent on a high use of electricity for their daily operations often do not have the time, expertise or resources to deal with issues and disputes that may arise with their electricity accounts while still conducting their businesses. Current dispute resolution mechanisms available to these types of business customers may not be specialised enough to efficiently and effectively deal with energy related disputes. The services currently offered may cost small businesses and can be time consuming. To address this, the bill expands EWOQ's dispute resolution services to cover small, high energy-using business customers, such as bakeries, small supermarkets, manufacturing businesses, amateur sporting clubs, community groups and not-for-profit organisations. This bill will allow these types of businesses and organisations to contact EWOQ for free assistance if they are unable to resolve a dispute with their electricity retailer. This will ensure high energy-using small businesses are on a level playing field and enjoy the same access to an energy-specific dispute resolution service as other small businesses. Limiting the amount of time and resources required to resolve a dispute with their electricity retailer will allow more small businesses to focus on managing their enterprises.

Changes to the Commonwealth Privacy Act 1988 regarding customer credit information and reporting requirements will come into effect for Queensland's retail energy and water utilities on 1 January 2016. The new credit reporting regime outlines how service providers, such as energy

retailers, access personal information about an individual, including their credit history. The changes require credit providers to be members of a recognised external dispute resolution scheme, known as an EDR, in order to continue to disclose and gain access to customer credit information from a credit reporting body. Water providers in Queensland are currently either not participating in the credit reporting system or, being mostly local councils, not subject to these new requirements as they do not fall within the definition of a credit provider under the Privacy Act.

To support the changes it is necessary to establish an appropriate EDR scheme in Queensland to deal with disputes relating to customers' credit information. Without such a scheme being established, energy retailers will be unable to access a customer's credit information and will therefore be exposed to additional costs and risks associated with bad debts. These costs could potentially be passed onto consumers through their energy bills and customers may also be impacted through a reduction in choice if retailer services are curtailed due to a lack of access to customer credit information. Extending the functions of EWOQ to incorporate credit handling related disputes will allow the Australian Information Commissioner to recognise EWOQ as an EDR scheme in Queensland. This will ensure consumers have access to a local, convenient, fast and independent avenue of redress for complaints or other issues that might arise between the individual and their service provider on credit reporting matters.

Queensland energy and water utilities are currently experiencing difficulties reconciling the fees they are charged by EWOQ in cases where complaints are referred back to the relevant provider to try to resolve in the first instance. As EWOQ is unable to disclose the account number or other customer identifying information of the individuals for these refer-back-to-provider cases, service providers are unable to reconcile the fees against their customer records. This bill proposes a minor amendment to increase the transparency around EWOQ's billing in these situations. This will enable energy and water utilities to check the fees they are issued by EWOQ against their own customer records. The amendment ensures that information EWOQ can access which identifies customers will only be used by retailers to verify that the complaints the retailer has been billed for are in fact their customers and not customers of another retailer.

This bill also rectifies an administrative error that exists in the schedule to the National Energy Retail Law (Queensland) Act 2014. The schedule currently incorrectly references a section of the Electricity Act 1994 that is due to commence from 1 July 2016. If left unchanged this error will prevent the operation of amendments to the Electricity Act from this date as was intended when the legislation was drafted. This bill ensures that a free dispute resolution service is available to a greater number of high energy-using small businesses and that Queensland is compliant with the Commonwealth Privacy Act. I commend the bill to the House.

### **First Reading**

**Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply) (12.37 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to the Utilities, Science and Innovation Committee**

**Mr DEPUTY SPEAKER** (Mr Furner): Order! In accordance with standing order 131, the bill is now referred to the Utilities, Science and Innovation Committee.