




Speech By  
**Hon. Mark Bailey**

**MEMBER FOR YEERONGPILLY**

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Record of Proceedings, 10 November 2015

**ENERGY AND WATER OMBUDSMAN AMENDMENT BILL**

 **Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply) (5.37 pm), in reply: Firstly, I thank all honourable members for their participation in this debate. I would also like to thank the members of the Utilities, Science and Innovation Committee who spent some time looking at the Energy and Water Ombudsman Amendment Bill 2015 and assessing its pros and cons. I welcome the support of the opposition for the Palaszczuk government's bill to help small business in Queensland. I even acknowledge the contribution from the member for Clayfield. Although, pro-privatisation tendencies do slip into the speeches of the member for Clayfield, I notice.

**Mr Nicholls** interjected.

**Mr BAILEY:** The member for Clayfield was calling me recalcitrant when it comes to asset sales. I do sense that the pro-privatisation posturing tends to come through.

**Opposition members** interjected.

**Mr BAILEY:** Judging by the interjections that landed. I would also like to acknowledge the considerable input into the debate by government members. We had nine government speakers. I think that shows the commitment and regard for small business the Palaszczuk government has. There were very strong contributions from government members. I would also like to acknowledge the very strong support of the Minister for Small Business, the member for Ashgrove. She has been very supportive of this bill.

Mr Deputy Speaker, you have heard throughout the debate today that the bill will deliver on the government's policy aimed at supporting job creation by supporting small business. The government recognises that Queensland small business enterprises are a significant contributor to the state's economy and jobs growth and are important, of course, to regional economies. That is why it is important that all small businesses are given the strongest possible support to ensure that they can get on with their job of employing Queenslanders right across our state.

This bill will also ensure that 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. The bill will also extend the functions of EWOQ to allow it to apply for recognition as an external dispute resolution scheme to resolve credit information disputes. These requirements will come into effect for Queensland energy providers from 1 January 2016, in less than two months.

The credit-reporting regime outlines how service providers, such as energy retailers, may access credit history about an individual and use this information to assess a customer's credit worthiness. To support the changes to the Privacy Act, it is necessary to establish an appropriate external dispute resolution scheme in Queensland to deal with disputes relating to customers' credit information. The bill extends the current function of EWOQ to incorporate these disputes by enabling EWOQ to apply to

the Australian Information Commissioner for official recognition as an external dispute resolution scheme in Queensland.

Finally, the bill proposes a minor amendment to increase the transparency around EWOQ's billing practices as Queensland energy and water utilities are currently experiencing difficulties reconciling the fees they are charged by EWOQ. As EWOQ is currently unable to disclose the account number or other customer-identifying information of the specific individuals who have sought their assistance, service providers are unable to reconcile the fees against their customer records. The bill 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 will enable energy and water utilities to check the fees they are issued by EWOQ against their existing records.

I will now provide a little more detail on a few elements of the bill. The amendments in the Energy and Water Ombudsman Amendment Bill will facilitate access to EWOQ for high energy-using small businesses. To implement the objectives, the bill amends the Energy and Water Ombudsman Act and introduces a new type of customer with eligibility to access EWOQ. This customer type is defined as a 'non-residential' energy customer consuming up to 160 megawatt hours of electricity per annum. This will provide high energy-using small businesses and organisations with access to a free, energy-specific dispute resolution service. The bill also amends the Energy and Water Ombudsman Act and extends the functions of EWOQ to incorporate credit-reporting complaints.

Establishing a recognised external dispute resolution scheme in Queensland will ensure that energy retailers can continue to participate in the credit-reporting system and that customers have access to a local, convenient, fast and independent avenue of redress if they feel their credit information has been mishandled. The bill also amends the Energy and Water Ombudsman Act 2006 to enable EWOQ to disclose the customer-identifying information of a complainant to their energy or water provider so they can reconcile the number and nature of cases with their own records. This information can only be used for this purpose, and the bill has been carefully drafted to strike a balance between addressing the concerns raised by industry over this matter and maintaining stringent safeguards over individual customer privacy.

Currently, small business customers who consume less than 100 megawatt hours of electricity per year are able to contact EWOQ for assistance. The amendments deliver an inherent consumer rights advantage by ensuring that these types of businesses have access to an independent dispute resolution mechanism. It is expected that these amendments will open up eligibility for up to 5,100 additional high energy-using small businesses to access EWOQ's valuable advocacy, investigation and information services, which may also be effective in these customers resolving disputes with their retailer without the need for litigation over contractual issues.

The bill also extends EWOQ's functions to allow it to apply for recognition as an external dispute resolution scheme in accordance with the Commonwealth Privacy Act. Establishing a Queensland external dispute resolution scheme will ensure Queensland energy consumers have access to a local, convenient, fast and independent avenue of redress if they feel their credit information has been mishandled by their retailer.

The amendments that I will move during the consideration in detail stage are in response to a submission made by EWOQ and will enable the Energy and Water Ombudsman to provide energy and water utilities with the customer-identifying information needed for reconciling EWOQ invoices for user-pays fees charged for any case type and not just to refer-back-to-provider complaint cases as originally drafted. This will ensure energy and water retailers will be able to confirm that they have only been invoiced for complaints brought to EWOQ by their own customers and to check that billing errors have not occurred relating to any of the charges they have received.

I would like to sincerely acknowledge the hard work of Consumer Policy in the Consumer and Pricing Branch in the Department of Energy and Water Supply. I certainly support the bill. It will benefit up to 5,100 customers in our small business sector in Queensland. I commend the bill to the House.