



Memorandum of Understanding

NSW Department of Planning and Environment and the Energy & Water Ombudsman NSW

Purpose

The purpose of this memorandum of understanding (MOU) is to set out the administrative arrangements that will operate between EWON and the NSW Department of Planning and Environment (the Parties).

The Parties acknowledge that this MOU is a non-binding expression of the parties understanding and does not create legal obligations.

This MOU sets out administrative arrangements to promote effective communication, cooperation and coordination between the Energy & Water Ombudsman NSW (EWON) and the NSW Department of Planning and Environment (the Department) in performing their roles and functions in New South Wales, and where relevant, Australia's energy and water industries. EWON and the Department have entered into this MOU to:

- ensure the ability of each body to fulfil its respective functions
- minimise duplication of effort by consulting on forward work programs, specific issues of concern and any other appropriate tasks as and when they arise
- promote consistent treatment on issues of common interest as far as possible
- ensure that information is shared, subject to any statutory limits, including the need to respect personal or commercial confidentiality.

Background

The current MOU was signed between the former Department of Water and Energy and EWON in 2008. There were no amendments made to that version. The 2008 MOU and all previous MOUs are now revoked.

This MOU is a public document and communicates, in a transparent way to all stakeholders, the administrative arrangements that operate between EWON and the Department.

Parties to the MOU

The Department

The Energy, Water and Portfolio Strategy is a Division of the NSW Department of Planning and Environment. The Division leads delivery of sustainable and regulated use and access to diverse and reliable energy and water resources for the people of NSW. Among other actions, the Division delivers on these goals through its administration of energy and water rebate schemes; supporting the Minister's participation in the COAG Energy Council; driving the development and implementation of the Metropolitan Water Plan and maintaining energy and water regulation, licencing and policy.

Energy & Water Ombudsman NSW

The Energy & Water Ombudsman NSW (EWON) is the approved dispute resolution scheme for New South Wales electricity and gas customers and some water customers. EWON receives, investigates and facilitates the resolution of customer complaints against the electricity, gas and water providers that are members of the Ombudsman scheme.

EWON's principal responsibilities are:

- to handle energy and water complaints independently, fairly, informally, expeditiously and free of charge to the consumer
- to promote EWON to residential and small business customers
- to encourage and provide advice to members on good complaint handling practice to assist in reducing and avoiding complaints.

Notification and consultation

EWON and the Department recognise the importance of mutual consultation, but also acknowledge that decisions must be made independently.

EWON is approved under the framework in the *Electricity Supply Act 1995* and the *Electricity Supply (General) Regulation 2014* and the framework in the *Water Industry Competition Act 2006* and the *Water Industry Competition (General) Regulation 2008*.

EWON and the Department also recognise the requirements of the *Water Industry Competition Act 2006* and the *Water Industry Competition (General) Regulation 2008*, that EWON:

- will inform the Minister of substantial breaches of this Act or the regulations, or the conditions of a licence, of which EWON becomes aware,
- must cause copies of all public reports issued by EWON in relation to the ombudsman scheme to be given to the Minister, and
- must cause notice to be given to the Minister of changes in the policies and procedures to be adopted in connection with the ombudsman scheme¹.

The Regulation also provides that the Minister may require reports from EWON on matters outlined in the Regulation.

EWON and the Department also recognise the requirements of clause 13 of the *Electricity Supply (General) Regulation 2014*, that EWON will provide the Minister with copies of all EWON's public reports and notify the Minister of all changes in EWON's policies and procedures relevant to EWON's status as the approved energy ombudsman scheme.

Further, where appropriate and permissible, EWON and the Department will endeavour to:

- a) Notify each other of any activities that may be relevant to the other party, and keep each other informed of the progress of those matters. This could include:
 - i. compliance and enforcement activities;

¹ Section 49(2)(l) of the *Water Industry Competition Act 2006* and clause 30 of the *Water Industry Competition (General) Regulation 2008*



- II. reports on systemic and compliance issues arising from consumer complaints about individual energy businesses, *Water Industry Competition Act* schemes and major water utilities;
 - III. reports on the energy and water industries;
 - IV. changes to regulatory instruments; and
 - V. outreach, awareness raising and media activities
- b) Provide each other with copies of publications that may be relevant to the other organisation. It may also be appropriate to provide an advanced copy of, and briefing on, the publication prior to its general release.
- c) Where a publication (such as a report or web page) by one party refers to the other, provide that party with an opportunity to comment on the reference prior to the finalisation and general release of the publication.

Complaint handling

EWON and the Department agree to establish working procedures to ensure efficient and effective administration and communication in dealing with consumer complaints.

EWON and the Department will each nominate liaison officers to be responsible for dealing with consumer complaints. The Department will nominate two officers, one for managing energy complaints and one for water complaints.

Meetings

Unless the parties agree otherwise, EWON and the Department will meet on an ad hoc basis as required and at least every six months to discuss matters of common interest including:

- a) updates and reports on consumer complaints that may demonstrate systemic issues, emerging trends or general consumer concerns about energy or water issues;
- b) performance of companies in the energy industries, performance of utilities and companies in the water industry and their compliance with their licence conditions;
- c) information about any existing or proposed activities being undertaken by each party that may be of interest to the other party;
- d) review of the referral of complaints and enquiries between the parties;
- e) reports on any other developments that may impact on the other party; and
- f) information on issues that are within the responsibility of their organisation.

Information management

EWON and the Department recognise the value of sharing information to enable parties to carry out their respective functions in a proper manner.



EWON and the Department recognise that they each have statutory obligations including obligations in relation to the protection of information and will take reasonable steps to protect any confidential information from any unauthorised use or disclosure.

Each party agrees to allow the other a reasonable time period to provide information under this MOU.

Management of the MOU

EWON and the Department will each nominate a liaison officer in energy and water to be responsible for matters arising under this MOU and for the cooperation arrangements between the parties.

EWON and the Department will meet as necessary to assess the operation of this MOU and to discuss matters arising under the MOU.

This MOU will continue in force until such time as another MOU is agreed and signed between the parties or until this MOU is terminated. EWON or the Department may initiate a review of this MOU at any time.

Termination

Either party may terminate this MOU by giving 30 days written notice to the other party. The termination will take effect on the date that is 30 days after the notice is issued unless otherwise agreed, in writing, by the parties.

Publication

This MOU may be published by EWON and the Department on their respective websites.

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Energy & Water Ombudsman NSW

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Energy, Water and Portfolio Strategy
NSW Department of Planning & Environment

Date

29/11/2018

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