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The Energy & Water Ombudsman NSW (EWON) provides an independent way of resolving customer complaints about all electricity and gas suppliers in NSW and some water suppliers.

Our service is free, fair and independent
Our aim is to keep essential services
within reach of everyone.

Freecall ☎ 1800 246 545



Energy & Water
Ombudsman NSW

www.ewon.com.au

Rise in marketing complaints

Following an increase in complaints from older consumers, EWON began an information campaign to inform seniors about their rights when dealing with energy marketers and considering an energy contract.

Since January 2006 there has been an alarming increase in cases where older consumers or advocates for the frail and elderly have complained about being taken advantage of by energy marketers.

In some extreme cases, consumers have been deliberately misled by marketers and told their supply would be cut-off if they did not sign a contract, or that their existing supplier is going out of business or being taken over. Others were falsely told that the marketer was only checking their pension entitlement.

Some people felt pressured into signing a contract, and said 'it was the only way to get the marketer to leave'.

While we are able to resolve these complaints with the energy companies, the fact remains that these customers have been extremely distressed by their experience with energy marketers.

For many older consumers, being door-knocked or phoned by a marketer is their introduction to the fact that they can now choose their energy retailer. Many older consumers have been with one electricity or gas company for a long time and are distressed to find that they have been transferred to another supplier without their consent.

Having raised our concerns about these issues with the retailers involved and the regulator, we hope to see a dramatic decrease in marketing complaints involving vulnerable consumers, particularly frail



and elderly customers. In the meantime, we have developed a fact sheet for seniors which our staff have distributed to key groups for seniors, such as COTA (Council on the Ageing) and CPSA (Combined Pensioners & Superannuants Association of NSW).

We urge all consumers to exercise caution when dealing with telephone or door-to-door marketers. If you're not sure about what they are offering and haven't read (or can't read) the fine print, don't sign anything.

If you feel you have been pressured or misled by a marketer about an energy contract, call the retailer responsible and let them know.

If you are not satisfied with their response or would like more information on choosing an energy contract, call EWON on freecall 1800 246 545 or visit www.ewon.com.au

Clare Petre

Clare Petre
Energy & Water Ombudsman NSW

Obligations of energy marketers

A door-to-door marketer must leave immediately if you ask them or they are breaching the Marketing Code.

Before you sign or agree to a contract, a marketer must:

- provide you with the contract's Terms and Conditions in writing
- tell you about the cooling-off period
- tell you about any termination fees

Complaints about marketers

From 1 January to 30 June 2006, EWON received 736 complaints about marketers (18% of all complaints). Of these:

- 538 customers said they were misled
- 359 customers said they did not consent to a contract
- 116 customers said they were pressured or coerced into signing

Complaint statistics January to June 2006

During the period 1 January to 30 June 2006, EWON finalised 3,888 complaints.

PRIMARY ISSUES PER REGION

REGION	NO. COMPLAINTS	TOP THREE ISSUES		
Central West	122	Retail competition 40%	Billing 22%	Credit 17%
Far West	11	Billing 45%	Land 20%	Customer service 15%
Hunter	527	Credit 41%	Billing 18%	Customer service 12%
Illawarra	190	Credit 28%	Retail competition 25%	Billing 22%
Mid North Coast	189	Retail competition 62%	Customer service 18%	Billing 6%
Murray	26	Billing 45%	Credit 26%	Customer service 15%
Murrumbidgee	36	Credit 35%	Billing 22%	Retail competition 12%
North West	80	Retail competition 57%	Customer service 17%	Credit 13%
Northern	185	Retail competition 72%	Customer service 17%	Billing 4%
Richmond-Tweed	86	Retail competition 45%	Customer service 20%	Billing 16%
South Eastern	153	Retail competition 60%	Customer service 13%	Billing 10%
Sydney Inner	800	Billing 33%	Retail competition 22%	Customer service 15%
Sydney Outer	1,111	Retail competition 26%	Billing 24%	Credit 22%
Sydney Surrounds	298	Credit 31%	Billing 19%	Retail competition 17%
Other	74			

INVESTIGATION LEVELS

INDUSTRY	NO. COMPLAINTS	COMPLAINT ENQUIRY	RHL	INVESTIGATION	DETERMINATION
Electricity	3,051	1,138	823	1,068	22
Gas	376	135	68	173	--
Water	330	195	77	58	--
Dual Fuel	101	24	27	50	--
Other	30	30	--	--	--

Overview of the period

From January to June 2006, over 90% of complaints to EWON were from residential customers and 78% of all complaints related to electricity. This is consistent with previous periods.

EXPLANATION OF TERMS

Complaint Enquiry: a request for information or assistance that can be settled quickly.

Refer to Higher Level (RHL): complaint enquiry referred to a senior officer in the energy or water company.

Investigation: complaint cannot be resolved between customer and company, EWON conducts investigation and negotiates an outcome.

Determination (or binding decision): outcome cannot be negotiated between the customer and company, Ombudsman resolves the matter through a determination which is binding on the company.

NOTES ON HOW WE CATEGORISE COMPLAINT ISSUES

Billing: high and disputed bills, fees and charges, responsibility for accounts

Credit: disconnection, arrears, difficulty in payment, payment arrangement declined, debt collection

Customer service: poor attitude, failure to respond, incorrect advice

Retail competition: conduct by marketers, errors in transferring accounts

Provision: problems with new or existing connections

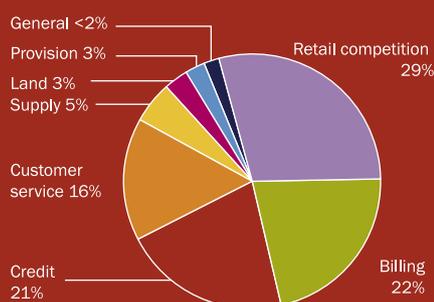
Supply: quality, damage/loss, outages

Land: impact of network assets, maintenance, environment

General: non-energy/water related, contractors

Customer issues

JANUARY - JUNE 2006



Disconnection and credit issues

JANUARY - JUNE 2006

724 people reported difficulty in paying their bills. Of these:

- 268 had been disconnected
- 321 were facing disconnection
- 618 had arrears on their account
- 222 had been denied an extension or instalment plan



Many people only look at one thing on their bill – how much do I owe?

Take some time to look over the other information provided and you may find it saves you from the shock of a high bill.

BY PRUE MCLENNAN, RESEARCH OFFICER

As well as telling you how much you owe, most utility bills will give you other important information, such as how much electricity you use per day.

Along with the usage charge, this gives you an idea of how much you'll need to set aside each week to pay your bill.

What to look for on your bill

With your electricity bill for example, look for the following information:

1. Billing period: Routine quarterly bills cover approximately 85-95 days, depending on the meter reading date.

2. Due date for payment: Failure to pay by this date may incur a fee, so contact your retailer if you need to request an extension.

3. Meter reading – actual vs estimated: If a reader has been unable to access your meter your bill will show 'estimated'. This can mean you don't pay enough to cover your usage and you'll have to pay the difference when they do an actual read. Receiving a 'catch up bill' is a common reason for people receiving a high bill.

4. Comparison of average daily usage: A graph compares your average daily usage with your last bill and with the same period last year. If there is a big difference, consider whether you've been using a new appliance or had additional people staying with you.

5. Greenhouse report: A summary of the greenhouse gases that were emitted to produce your energy for the billing period.

6. Usage charge: This is based on your usage as recorded by your electricity meter and the tariff is expressed in cents per kilowatt hour. Note that if your usage hasn't changed but your bill is higher, it may be due to price increases which usually occur after 1 July.

7. SAC (Service Availability Charge): This is a standard fee which covers network maintenance, metering and administration costs, and the cost is expressed in cents per day. It will vary according to the number of days in the billing period.

8. Payment summary: This will include the amount of your last bill, current amount owing and any arrears, payments received before the bill was issued and the amount of GST payable.

9. Rebates or discounts: If you are entitled to a pensioner rebate or discount this should appear in your payment summary.

Save yourself \$20 per year

We know we should try to pay our power bills on time, but there is a real financial advantage to doing it, and that's avoiding a late payment fee. Electricity retailers can charge customers a fee of \$5, five days after the due date on the electricity bill has passed.

Only one late payment fee can be charged per bill but for customers who are struggling financially it adds to their hardship.

The \$5.00 fee has been approved by IPART (the Independent Pricing and Regulatory Tribunal of NSW), but there are safeguards for customers:

A late fee can't be charged:

- during an agreed extension of time between the customer and the company
- when an instalment plan is in place
- when the customer has an unresolved billing complaint with EWON.

The late fee must be waived:

- where the customer has contacted a welfare agency for assistance
- where payment or part payment of the bill is by EAPA voucher
- on a case-by-case basis as considered appropriate by EWON*.

*If you would like more information on this, call EWON on freecall 1800 246 545.

Not sure about your bill?

If there's something on your bill you don't understand, give your retailer a call. If you ask your company to investigate a high bill and you're not satisfied with their response, you can ask EWON to conduct an investigation and independently review your complaint.

MOU with NSW Ombudsman

EWON and the NSW Ombudsman recently reviewed and updated the Memorandum of Understanding (MOU) between the two offices. Clare Petre, Energy & Water Ombudsman NSW and Bruce Barbour, NSW Ombudsman signed the updated document on 21 June 2006.

The NSW Ombudsman has the authority to investigate the conduct of NSW public authorities. EWON has the authority to investigate complaints against NSW energy companies and some water companies. There is overlapping jurisdiction as some energy and water companies are state owned corporations, which means that customers may make complaints to either or both organisations.

The two offices have agreed that EWON is the preferred body to investigate complaints about all energy and water providers in EWON's jurisdiction. The MOU sets out the arrangements for referring complaints, sharing information and consulting on issues.

A copy of the MOU is available from EWON's website, www.ewon.com.au

New Policy and Research Team at EWON

In order to keep up with the growing complexity of customer complaints as well as changes to the industry environment, EWON has established a new Policy and Research Team. Currently the team is working on a range of projects, including:

- EWON's submission to the current review of regulated electricity prices for 2007-2010
- Examining the experiences of elderly customers upset by door-to-door and phone marketing
- GST charges on utility fees
- Changes to electricity pricing for some customers who live in residential parks
- Credit listing of utility debts
- Business-to-business rules and how they affect customers who take up energy contracts
- Debt transfer issues between tenants and landlords
- Assessing how the new 'smart' meters and time-of-use tariffs will impact customers

To contact the team phone (02) 8218 5250 or email policy&research@ewon.com.au



Bruce Barbour, NSW Ombudsman and Clare Petre, Energy & Water Ombudsman signing the MOU

Information for Advocates



Changes to the Energy Rebate Scheme for Pensioners

In January 2006, the Department of Energy, Utilities and Sustainability (DEUS) issued new pensioner rebate guidelines removing all references to backdating. This means that there is no longer any provision to backdate on the basis of unclaimed eligibility. Retailers must now ensure that existing concessions such as the pensioner rebate do not 'drop out' when a customer changes supplier, takes up an energy offer or moves house.

Where a customer has affordability issues and has previously received a rebate, this would be an important point to include in discussions with the supplier about payment extensions and the support available through company assistance programs.

More information about the pensioner rebate is available from energy retailers or contact DEUS on (02) 8281 7712.

EWON held its most recent forum 'Affordability and Sustainability: help for energy and water consumers' at Penrith RSL on 30 May 2006.

The forum provided community workers from Penrith and the lower Blue Mountains area with information about assistance programs for consumers having difficulty paying their energy and water bills.

The forum included presentations on:

- Sydney Water, Integral Energy and AGL customer assistance programs, and energy and water saving initiatives
- Energy Accounts Payment Assistance (EAPA) voucher distribution and guidelines
- Affordable Water & Energy Efficiency Project training and resources
- No Interest Loan Scheme (NILS) in NSW

Participants' feedback

Participants informed us that the forum was beneficial as it provided up-to-date information and the opportunity to discuss common issues and challenges.

A number of advocates noted it was a great networking opportunity. Participants were pleased the speakers provided direct contact phone numbers for advocates to use when assisting clients in hardship.

One advocate noted in her feedback form: 'This makes my job ... so much easier'.

Another said: 'The initiative to commence these forums is much appreciated and congratulations to those concerned. This information will flow through community welfare organisations and reach many people in need of assistance.'

No Interest Loan Schemes

Many low income households are unable to replace old appliances with efficient, new models when they break down.

No Interest Loan Schemes (NILS) are run by community organisations and can help people on low incomes buy essential household items, such as a washing machine, fridge or medical appliance. A typical NILS loan is for around \$600 to \$1,000 and is generally repaid over a year. As loans are repaid, the money is then loaned to other people.

Community organisations can start up NILS with a \$10,000 loan fund, and this can allow the purchase of about \$100,000 worth of appliances.

There are currently 34 NILS running in NSW. A network meets quarterly to provide mutual support in the development and fine tuning of NILS, and to exchange

information. People from existing NILS attend and those intending to set one up are welcome. (For contact details see below.)

Affordable Water & Energy Efficiency Project

The Council of Social Service of NSW (NCOSS) is working with the Department of Energy, Utilities and Sustainability (DEUS) on an Affordable Water & Energy Efficiency project for low income households and service providers.

The project aims to provide training for agencies who support low income households and other people in need in NSW to reduce water and energy use.

Additionally, supported accommodation and crisis accommodation providers will be approached to build the capacity of accommodation managers to identify free and low cost opportunities to reduce energy and water use at their premises.

A limited number of fully funded audits and retrofits will be offered to service providers. (For contact details see below.)

Pictured below: participants at the Affordability and Sustainability forum in May 2006

Affordability and Sustainability Forum contacts:

EWON Community Development

Emma Keene, Manager Service Development
☎ (02) 8218 5225 emmak@ewon.com.au

No Interest Loan Scheme (NILS)

Lyn Trindall, NSW Convenor NILS Network
☎ (02) 4754 4050 convenor@nilsnew.org.au

Affordable Water & Energy Efficiency Project

Council of Social Service of New South Wales (NCOSS)
☎ (02) 9211 2599 energy@ncoss.org.au

Energy Accounts Payment Assistance (EAPA) Scheme

Department of Energy, Utilities and Sustainability
EAPA Coordinator ☎ (02) 8281 7712

Sydney Water Social Policy

Michael Woodfine, Social Policy Officer ☎ 9350 6492

Integral Energy INpower Customer Assistance Program

☎ (02) 9853 6728 or 1800 806 698

AGL Staying Connected Customer Assistance Program

☎ 1300 659 925



Youth outreach project

One of EWON's aims is to help identify problem areas for consumers and providers. For this reason we initiated an outreach program targeting new or potential account holders — young people aged 16-25 years.

Many young people are living independently for the first time, often renting a share house and may have little experience in managing their bills. Through our casework and outreach discussions, we have found that the majority of issues facing young people involve:

- affordability
- being unaware of their responsibilities as an account holder
- the implications of signing a contract
- not having the confidence to request extensions for payment or discuss any complaints they may have.

We began by distributing information to key youth organisations to increase awareness of our services, and made contact with youth workers and advocates. We spoke to them about the issues we had identified from casework and what we could do to help young people having problems with their energy and water accounts.

We will continue to develop these relationships and welcome invitations to present to youth agencies and advocates. To book a presentation contact Emma Keene on (02) 8218 5225 or email emmak@ewon.com.au

Good Service forums

EWON is part of the Good Service Committee, a network of Indigenous service providers which consists of the NSW Anti-Discrimination Board, NSW Ombudsman, Office of Fair Trading and Legal Aid.

The network is committed to empowering Indigenous communities by informing them about how our agencies can help them, and the complaints we deal with.

This community education is delivered through joint forums, where Indigenous representatives from each agency give a presentation outlining their services and answer any questions community members may have.

Four forums have been run to date for communities in Mt Druitt (Sydney), Newcastle (Hunter) and Nowra (Shoalhaven). The network is aiming to take these forums to other communities in the future.

The most recent forum was held in Dubbo on 26 September 2006.

Speak up! campaign

In March 2006 EWON co-ordinated an awareness campaign called 'Speak up!' on behalf of ANZOA (Australian and New Zealand Ombudsman Association) members. The 'Speak up!' postcard (featured below) aimed to introduce ombudsman schemes to young people and was distributed as a free postcard across Australia.

The ten schemes that took part in the project along with EWON were:

- Banking and Financial Services Ombudsman (a national scheme dealing with complaints about banking, credit cards, loans)
- Commonwealth Ombudsman (deals with complaints about federal government agencies including immigration, youth allowance, taxation)
- Energy and Water Ombudsman (Victoria)
- Energy Industry Ombudsman South Australia
- Financial Industry Complaints Scheme (a national scheme for complaints about financial advice, superannuation, stockbroking)
- Insurance Ombudsman (a national scheme for complaints about car, travel and home contents insurance)
- NSW Ombudsman (deals with complaints about state government services including police, community services, child protection, correctional centres)
- Northern Territory Ombudsman
- Telecommunications Industry Ombudsman (a national scheme for complaints about mobiles, telephones, internet providers)
- Western Australia Ombudsman

For free copies of the postcard email omb@ewon.com.au or phone (02) 8218 5250.



EWON welcomes Martin ('Martie') Wighton to its Community and Service Development team as our new Indigenous Investigations and Project Officer. Martie comes from the Wiradjuri mob, Central Western NSW.

Before EWON, Martie worked as an Employment Consultant and with the Office of Fair Trading as a Customer Service Officer in the Sydney Metro region.

Since starting at EWON in May 2006, Martie has visited communities and workers in the Shoalhaven, Riverina and Mid-North Coast regions.

He also recently won the Cowobra CDEP (Community Development Employment Project) Aboriginal Corporation award for 'Employee of the Year' for 'Outstanding Achievements in Employment and Career Development'.



Alex's story: customer assistance program helps

When Alex's electricity was disconnected a friend suggested she call EWON for help.

Alex explained she owed \$630 on her account and had paid \$50 towards her bill, but the company wanted \$300 to reconnect her. She said she relied on youth allowance for income and her next pay wasn't due for a week.

Alex said there wasn't anyone who could help her out financially and she has no contact with her family (Centrelink had assessed that she could no longer live at home due to personal circumstances).

She had agreed to an \$80 per fortnight payment plan with the company some months before, but hadn't been able to stick to the plan and was disconnected.

EWON put Alex into contact with community agencies that distribute EAPA (Energy Accounts Payment Assistance) vouchers and she made an appointment to be assessed.

We contacted the energy company and suggested that Alex's payment plan was unrealistic given her circumstances. We suggested that she be put on the company's assistance program.

Alex went on the program and agreed to pay \$40 per fortnight to clear her debt, and the company organised for her electricity to be reconnected.

Ted's story: confusion when a marketer signs up an elderly friend

Ted has a granny flat adjoining his house which his friend Mike lives in. Ted was confused when he received a final bill from his energy supplier, when he hadn't closed the account. He contacted his supplier to ask what had happened to his account and was told another retailer had requested the transfer so he was no longer their customer.

Ted spoke to Mike who said he had also received a bill from a new retailer, though he didn't remember asking for a transfer or speaking to anyone from the company. Mike called the retailer to say he didn't want to be transferred but was told he had to pay the bill.

Ted was concerned that a marketer had taken advantage of Mike, as he is elderly and unwell, and had recently spent time in hospital. Their properties are separately metered however there is one meter box and Ted thought the marketer had probably transferred both residences because of this.

Ted called EWON for help as both he and Mike wanted to return to their original supplier. EWON contacted the retailer who confirmed that the transfer was the result of a telemarketing call and suggested that the meter numbers had somehow been mixed up.

The retailer acknowledged that the contracts should not have been set up in the first place. The retailer then apologised for the distress caused to both parties and arranged for them to be transferred back to their original retailer.

John's story: unwanted account transfer

John owns a unit which is occupied by Keiko, an overseas student he sponsors. The electricity account is in John's name and he pays the bills, so he was surprised to receive a final bill when he hadn't closed his account. When he rang to query the bill, he was told the account had been transferred to a new retailer and he would have to contact the other company to sort out the problem.

John spoke with Keiko who confirmed that she had been approached by a marketer. When he rang the new retailer to explain Keiko's English was very poor and she didn't realise what she was signing, he was told he would have to fill in the necessary paperwork and state his case in writing.

John was upset by the retailer's response and he rang EWON to complain. He felt the marketer had taken advantage of Keiko and the transfer shouldn't have happened.

EWON negotiated with the new retailer to transfer John's account back to his original supplier without penalty. The retailer advised that as the marketer had acted inappropriately in signing up Keiko, the matter had been reported to the regulator.

Tony's story: payment plan declined

Tony owed his gas supplier \$280 and rang them to discuss a payment plan. He offered to pay \$50 per week to clear the debt, but the company asked him to pay the amount in full or they would disconnect his supply.

Tony called EWON for help and explained he was living with his partner and two children and relied on youth allowance for support. He had set up his own business but it wasn't doing too well at the moment so he had fallen behind with his bills.

We explained to Tony that if he entered a payment arrangement and then missed payments he could find himself back in the same situation, so it was important to work out what he could realistically afford to pay.

We contacted the gas company and negotiated a payment plan of \$35 per fortnight for Tony. The company suggested they could do an energy audit to help Tony manage his usage and he agreed.

In the news

Housing seminar 9 November

SOURCE: SHELTER NSW

There are currently 156,000 lower-income NSW households in the private rental market who are in housing stress. Some 88,000 of them live in Sydney and 68,000 in non-metropolitan NSW.

To address affordable housing issues of low income households, Shelter NSW will be presenting a seminar, *Building blocks. Housing challenges and opportunities for New South Wales*, on 9 November 2006 in the Wilkinson Building, Sydney University, Darlingtown.

This seminar is aimed at affordable housing managers, tenants' advocates, welfare workers and community development workers. Speakers will include: the Hon Cherie Burton, Minister for Housing; Prof Julian Disney, University of NSW; Prof Frank Stilwell, University of Sydney; Garry Mallard, National Tenant Support Network and Ken Morrison, Property Council of Australia.

For details phone (02) 9267 5733 or visit <http://www.shelternsw.infoxchange.net.au/>

New Customer Service Standards for electricity networks

SOURCE: DEUS

On 1 July 2006 new Customer Service Standards came into effect for electricity networks (ie Country Energy, EnergyAustralia and Integral Energy). The purpose of the new standards is to provide compensation to eligible customers who have experienced poor reliability of supply.

Customers may be eligible for an \$80 payment for supply interruptions on either a frequency or a duration basis, to a maximum of \$320 per year. The criteria varies for metropolitan and non-metropolitan customers.

Customers making a claim for the duration of a lengthy interruption must apply within three months of the date of the interruption.

Customers making a claim for the frequency of interruptions must apply within three months of the end of the financial year (by 30 September each year), and can only make one claim per year under this category.

The Minister of Energy has imposed the new customer service standards as licence conditions and, as such, IPART, the Independent Pricing and Regulatory Tribunal will oversee them.

As with other customer service standards, EWON will have a role in informing customers of their entitlements and reviewing decisions made by the network companies to ensure that the outcome for customers is fair and reasonable.

For more details about the standards, contact your electricity distributor.

New plumbing code

SOURCE: DEUS

A new code of practice for plumbing and drainage came into effect on 1 July 2006. The *NSW Code of Practice for Plumbing and Drainage* was updated because of the increasing popularity of water conservation devices such as rainwater tanks, grey water re-use and recycling systems.

The Code outlines new requirements to help plumbers, builders and householders choose the safest, most cost-effective and efficient method to install water saving devices.

The Code reflects the Australian Standard AS/NZS 3500 but allows for variations that still meet requirements of water utilities in Sydney and country areas of New South Wales.

A copy of the code can be downloaded from the Department of Energy, Utilities and Sustainability website, www.deus.nsw.gov.au

Electricity price increases

SOURCE: IPART

The Independent Pricing and Regulatory Tribunal (IPART) approved expenditure to enable the NSW electricity distribution companies to improve reliability of electricity supply. Prices rose slightly from 1 July 2006 to fund this new expenditure program. IPART estimated that the average bill for a domestic customer in 2006/07 would increase by:

- \$8 a year in EnergyAustralia's area
- \$2 a year in Integral Energy's area
- \$18 a year in Country Energy's area.

For more information visit www.ipart.nsw.gov.au

EWONews is a bi-annual publication of the Energy & Water Ombudsman NSW (EWON)

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*Calls from mobile phones may attract a fee, which will vary depending on your service provider. If you are calling from a mobile phone, let us know and EWON will call you back.

Editorial enquiries: news@ewon.com.au

Note: names have been changed in case studies for confidentiality reasons.

This brochure is printed on recycled paper using environmentally friendly inks.

ABN: 21 079 718 915 Stock No: 0551-0906



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