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Ombudsman's report

Energy affordability

In January 2012 IPART released data showing that 2010-2011 electricity disconnections due to non-payment of bills were up 17% on 2009-2010 – when we saw some improvements – with numbers returning to levels consistent with previous years. Similarly, the number of residential gas disconnections for non-payment of gas bills increased by 18% in 2010-2011. These numbers are concerning and mirror EWON's own experience: in the same period we saw a 21% increase in credit related complaints from customers.

2012 is the United Nations year of Sustainable Energy for All. In the Australian context, this prompts a closer look at the issues of energy affordability, especially in the context of further increases in energy bills for customers over the next few years.

During 2012 we will continue our work with stakeholders on the issue of affordability. We are consulting with the NSW government on our call to extend the Low Income Household Rebate to eligible residents of retirement villages, and to extend the Energy Accounts Payment Assistance (EAPA) scheme to eligible customers of exempt suppliers and customers with LPG.

We have suggested a service to property charge rebate and the option of pay as you go meters for NSW customers who might prefer this form of payment.

We are concerned about an increase in debt collection and credit default listing issues, particularly credit default listing for small amounts eg less than \$200. We are also concerned about the use of expensive 'credit fix' agents by consumers who may not be aware of EWON's free service.

New scheme to address marketing problems for energy consumers

As the level of energy marketing activity in NSW escalated last year, following the sale of government owned retailers and the entry of new retailers, we recorded large increases in marketing complaints.



CLARE PETRE, ENERGY & WATER OMBUDSMAN NSW

A self-regulatory approach to marketing is now being taken by energy retailers. January 2012 saw the launch of Energy Assured Limited (EAL), an energy industry scheme to monitor and improve standards of door to door marketing.

This should help to prevent marketers who engage in misleading practices from continuing to work in the industry. We hope to see a corresponding decrease in marketing complaints over the next 12 months.

In the meantime, we continue to receive complaints about various energy marketing practices, including ignoring 'No Marketing' signs, marketing to vulnerable people and non-account holders, and high pressure marketing where customers report feeling intimidated into signing a contract.

New EWON member

We welcome AquaNet as a new water member of EWON. AquaNet is part of the Jemena group and has an agreement to build, own and operate the Rose Hill Recycled Water Scheme

Clare Petre
Energy & Water Ombudsman NSW

Companies within EWON's jurisdiction (as at 30 April 2012)

Energy Distributors

- ActewAGL Distribution
- Albury Gas Company
- APT Allgas Energy
- Ausgrid
- Central Ranges Pipeline
- Endeavour Energy
- Envestra NSW
- Essential Energy
- Jemena
- TransGrid

Energy Retailers

- ActewAGL
- AGL
- Aurora Energy
- Australian Power & Gas
- Country Energy
- Diamond Energy
- Dodo Power & Gas
- EnergyAustralia
- Integral Energy
- Lumo Energy
- Momentum Energy
- Origin Energy
- Powerdirect
- Red Energy
- Sanctuary Energy
- Simply Energy
- TRUenergy

Water Distributors & Retailers

- AquaNet
- Gosford City Council
- Hunter Water
- Shoalhaven Water
- State Water
- Sydney Water
- Veolia Water Solutions & Technologies
- Water Factory Company
- Wyong Shire Council



Energy & Water
Ombudsman NSW

www.ewon.com.au

'Credit fixing' sees financial problems bite vulnerable consumers twice

CREDIT RELATED COMPLAINTS and credit listing for utility debts are on the rise. Along with this, EWON is seeing increased numbers of complaints being lodged through credit repair agents.

EWON is concerned that some consumers in financial hardship are paying costly fees to credit repair agencies for Ombudsman services they can access directly for free. What's more, these fees may compound money problems that might have led to the credit listing in the first place.

The prospect of fixing a credit problem can be overwhelming and it isn't surprising that some customers turn to 'credit repair' agents for help. But they are generally better off going directly to an Ombudsman service rather than a paid agent.

When EWON receives an authority to act from a commercial agent, we make contact directly with the consumer to check that they are aware that they can access EWON's service for free. Often we find that these consumers did not know the agent was using a service available to consumers free of charge to resolve their problem. In many cases, they then opt to deal with EWON directly to avoid further agent costs and try to recover fees

already paid. These can exceed \$1000, which is often far more than the debt for which the customer has been credit listed.

EWON is working to raise awareness of its free service among consumers so they can avoid further and unnecessary costs. We have modified our authority to act from to emphasise to consumers signing the document that our service is free. EWON is also calling for the minimum debt for credit listing to be raised to \$300.

SCAM POWERS ON

EWON is still receiving reports of attempts by telemarketers to sell consumers a dodgy energy-saving device. This device does not work. Consumers should report any suspicious calls to NSW Fair Trading on 13 32 20 or call EWON on 1800 246 545.



NEW ENERGY AND WATER PRICING EFFECTIVE 1 JULY 2012

THIS ENERGY AND WATER PRICING INFORMATION IS SOURCED FROM IPART



ELECTRICITY

The expected price rises for electricity on standard contracts are as follows:

Energy Australia

19.2% or \$6.50 per week on an average bill

Integral Energy

10.3% or \$3.51 per week on an average bill

Country Energy

17.6% or \$7.32 per week on an average bill

IPART notes that these rises are the result of increasing network costs. The different increases are due to variations in the actual cost of providing electricity in each of the three NSW network areas.



GAS

The expected price rises for gas on standard contracts are as follows:

AGL

6.3% or \$45 per annum

Country Energy

7.1% or \$55 per annum

Origin Energy

9.0% or \$75 per annum

ActewAGL

5.5-7.6% or \$29-84 per annum

The majority of these price rises will flow through to all customers regardless of their retailer or whether they are on a standard or market contract.

For more information go to: www.ipart.nsw.gov.au



WATER

New pricing for Sydney Water is also due to come into effect from 1 July 2012.

The price decreases (without inflation) for single dwelling households expected to occur over the next four years are based on consumption levels as follows:

- 100Kl pa: 6.4% or \$57
- 200Kl pa: 5.2% or \$57
- 300Kl pa: 4.4% or \$58

During that period, prices for individually metered apartments are expected to decrease by:

- 100Kl pa: 6.4% or \$57
- 200Kl pa: 5.2% or \$57

Prices for apartments with a common meter are expected to increase by:

- 100Kl pa: 2.2% or \$18
- 200Kl pa: 1.7% or \$17

Stormwater drainage charges for individual houses will increase from \$49 to \$80 over four years and for apartments this charge will decrease from \$49 to \$16 over four years.

While vulnerable households stand to be affected by energy price increases, the Federal Government advises that payments through Centrelink and some revisions to income tax will provide compensation for the carbon cost component of the price rises.



“I don’t agree that I’m responsible for this bill... I moved out more than 3 months ago.”

Renting can create challenges for tenants, who have limited control over the water and energy efficiency of their homes. Conflict over responsibilities can also arise between tenant and landlord as well as between tenants. These case studies highlight some of the situations that affect tenants who have made complaints to EWON and how the matters were resolved.

Tenant moves out but doesn’t advise gas and electricity supplier

Marlene moved out of her rented apartment in August, but didn’t advise her gas and electricity supplier. In November she received a \$485 energy bill for usage at those premises from June up until November.

She contacted the supplier to say she’d moved out in August and the supplier received verbal confirmation of this from the landlord. However, the new tenants denied responsibility for the bill on the grounds that their rent, which they paid directly to the landlord, included bills.

Marlene came to EWON for assistance as she considered that she was not responsible for any part of the bill after the date she moved out. We explained to Marlene that a customer may be held responsible for all charges up until the provider becomes aware that the customer is no longer residing at the premises or another customer opens an account for the same premises.

We suggested Marlene present some documentation to prove her move-out date to her supplier, which she did. The supplier maintained that Marlene was responsible for the bill, but made an offer to reduce her account by \$219 as a customer service gesture, which she accepted.

High consumption goes unnoticed due to estimated reads

Sian and Mark each rent one floor of a house and share the gas bill as the premises are not separately metered. Mark, who moved in before Sian, hadn’t established a gas account in his own name when the previous account holder moved out. The meter was in the garage, which the provider considered inaccessible, so Mark had been receiving customer read cards. He didn’t provide reads for some time, so bills were estimated at around \$100 for several quarters.

When Sian and Mark received a bill for \$5612, they disputed this with the supplier. At this point, Mark opened an account in his name and the supplier arranged a special meter read, which confirmed the consumption had been billed correctly. A gas leak on Sian’s floor had been reported to the landlord and fixed just prior to Sian moving in, but it was unclear how long the problem had existed.

Investigation revealed that the disputed bill had arisen from an incorrect under-reading eventually provided by Mark, combined with no actual read being taken for almost 3 years.

The previous customer’s account had been closed based on an estimated reading as they did not provide access or a customer read, and Mark had not provided a move-in read to the supplier. Mark explained that the meter was in fact accessible as the garage was never locked, but the supplier hadn’t been advised of this prior to the billing dispute. As a result, the high consumption had gone unnoticed.

We told Mark that it was his responsibility to open an account when he moved in. It was also his responsibility to ensure access to the meter or to provide regular and accurate customer readings. The supplier offered to waive half the arrears, but Mark and Sian believed they had a strong case to make against the landlord through the Consumer, Trader & Tenancy Tribunal (CTTT) and so did not accept the offer.

The supplier agreed to extend the hold on Mark’s account until the CTTT hearing was concluded and decided to keep the offer open to Mark should the hearing not go in his favour.

Solar installation by landlord causes cancellation of tenant’s account

Caroline’s landlord advised her that tradespeople would be attending the property to quote on solar panel installation. When Caroline returned home after the tradespeople had been to the house, she found that panels had been installed and there was no power.

When she called her electricity retailer to report a fault, they told her that the account was no longer in her name. The retailer reconnected the electricity to the property but maintained they could not discuss the transfer of the account with her as she was neither the account holder nor an authorised party.

Caroline raised the issues with a tenancy advice service and she also contacted EWON for help getting her account reinstated.

EWON discussed the situation with the retailer who explained that the account had to be transferred into the landlord’s name in order for the landlord to receive the solar credits. Caroline’s account had been closed automatically as part of this process. They also confirmed that an account cannot be split between solar energy generation and usage.

We advised Caroline that as the account was in the owner’s name, he was now responsible for the charges and that a new tenancy agreement would have to be established if he wanted her to pay for her consumption. Caroline advised that the owner was intending to invoice her for usage.

We explained that she needed to speak with the landlord or her agent to discuss a revised leasing agreement and referred her to a tenancy advice service to discuss this invoicing arrangement.

4 Complaint statistics

SNAPSHOT: TRACKING RISING COMPLAINT TRENDS

REGIONAL LGAs WITH INCREASING COMPLAINT NUMBERS

PERIOD*	1	2	3
Byron	11	48	72
Clarence Valley	26	66	87
Hastings	50	108	136
Tweed	71	108	144

RISING COMPLAINT ISSUES

PERIOD*	1	2	3
Feed-in tariff	312	554	607
Poor customer service	1039	1236	1432
Disconnection	400	534	490
Failure to respond	609	670	806

* Period 1: Oct 2010—March 2011
 Period 2: April 2011—Sept 2011
 Period 3: Oct 2011—March 2012



MINIMUM DISCONNECTION AMOUNT TO BE INTRODUCED 1 JULY 2012

Under the current regulations in NSW, a customer's gas or electricity can be disconnected regardless of how much is owing on their account. The situation is different across the states. Some states have no minimum amount that must be owing before disconnection can occur, but others do apply a minimum, although the specific amount varies.

This is due to change under the new National Energy Consumer Framework (NECF). As of 1 July 2012, when the NECF is expected to come into effect in NSW, a standard minimum debt of \$300 for gas and electricity will be introduced. This will create consistency and fairness for consumers and will protect households from disconnection as long as the amount owing on their account is less than \$300 and the customer agrees to pay the debt.

EWON has called for a minimum disconnection amount and we welcome its introduction.

Overview of complaints:

EWON has experienced a significant increase in complaints this financial year. Based on current complaint levels, we are projecting an increase of more than 30% in 2011/12 compared to 2010/11.

1 October 2011 – 31 March 2012

From October 2011 to March 2012, EWON finalised 12,027 cases, a 9% increase from the previous 6 month period. While the majority of complaints (72%) related to electricity retailers, complaints about gas and dual fuel also increased.

High and disputed bill complaints continued to dominate customer issues. Of growing concern however is the continuing increase in reports by consumers of debt collection and credit listing (up 14%) as well as difficulties negotiating payment plans (up 21%).

We are also concerned to see customers experiencing problems with transfer errors (+30%) and non-account holders being targeted by marketers (+31%).

SNAPSHOT OF CUSTOMER ISSUES 1 OCTOBER 2011 – 31 MARCH 2012

	April 2011– Sept 2011	Oct 2011– March 2012	% increase
Billing			
High bill or disputed account	2203	2708	+23%
Tariff	999	1020	+2%
Opening/closing account	387	710	+83%
Fees & charges	659	646	-2%
Error	496	606	+22%
Credit			
Arrears or utility debt	1139	1140	0%
Facing disconnection for non-payment	884	931	+5%
Debt collection or credit listing	682	780	+14%
Disconnected due to non-payment	534	490	-8%
Denied an extension or payment plan	197	239	+21%
Marketing			
Misled by marketers	560	535	-4%
Pressured into signing or agreeing to a contract	177	182	+3%
Non-account holder approached for consent	75	98	+31%
Transfer			
Problems with the contract terms (variation in price, termination fee)	657	701	+7%
Did not consent to the transfer	479	469	-2%
Site ownership or disconnected in error due to transfer	254	317	+25%
Transferred in error	182	236	+30%

SNAPSHOT OF COMPLAINTS 1 OCTOBER 2011 – 31 MARCH 2012

Overall	Total complaints closed	12027
Customers	Residential customers	11520 (96%)
	Small business customers	423 (4%)
	Living in public housing*	333 (3%)
	Receiving pension/benefits*	2030 (17%)
	Aboriginal or Torres Strait Islander customers*	56 (<1%)
	Culturally and linguistically diverse customers*	261 (2%)

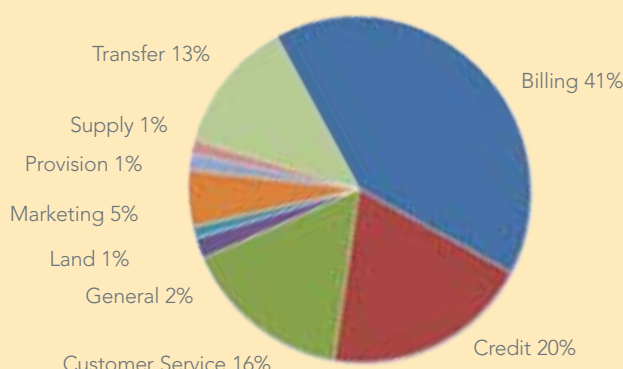
*EWON does not routinely collect demographic information however it is recorded if offered by the customer.

COMPLAINTS BY INDUSTRY

Industry	Provider type	April 2011- Sept 2011	Oct 2011- March 2012	% change
Electricity	Retailer	7644	8689	+14%
	Distributor	712	571	-20%
	Exempt Retailer	34	32	-6%
	Other*	199	211	+6%
Gas	Retailer	1492	1546	+4%
	Distributor	56	60	+7%
	Other*	14	5	-64%
Dual Fuel	Retailer	388	426	+10%
	Exempt Retailer	0	1	-%
	Other*	5	0	-100%
Non-energy/non-water	Other*	39	38	-3%
Water	Retailer	319	306	-4%
	Distributor	147	126	-14%
	Other*	24	16	-33%
Total		11073	12027	+9%

*Non member specific, out of jurisdiction

ALL ISSUES RAISED BY CUSTOMERS



HOW WE CATEGORISE COMPLAINT ISSUES

Note: there may be more than one issue raised per complaint

Billing – high and disputed bills, fees and charges, responsibility for accounts
 Credit – disconnection, arrears, difficulty in payment, payment arrangement declined, debt collection
 Customer service – failure to respond, incorrect advice, poor attitude/service
 Marketing – conduct by marketers, misleading information, pressure, non-account holder signed up
 Provision – problems with new or existing connections
 Supply – quality, damage/loss, outages
 Transfer – error in billing or transfer of account due to switching retailers, contract terms, delay in transfer, site ownership
 Land – impact of network assets, maintenance, environment
 General – non-energy/non-water related, contractors

*On 1 March 2011 TRUenergy purchased the retail arm of EnergyAustralia and Origin Energy purchased the retail arms of Country Energy and Integral Energy. Complaint data for EnergyAustralia, Country Energy and Integral Energy has been reported separately for the period and has not been rolled into TRUenergy and Origin Energy data post 1 March 2011.

COMPLAINTS BY COMPANY* 1 OCTOBER 2011 – 31 MARCH 2012

LEGEND: NSW RETAIL CUSTOMER BANDWIDTH

- Above 1 million customers
- 500,001 to 1 million customers
- 100,000 to 500,000 customers
- under 100,000 customers

Energy Retailers

No. complaints

● ActewAGL	137
● AGL	2788
● Australian Power & Gas	604
● Country Energy	611
● Diamond Energy	1
● Dodo Power and Gas	22
● EnergyAustralia	1347
● Integral Energy	1058
● Jackgreen (suspended from market)	90
● Lumo Energy	187
● Origin Energy	2454
● Powerdirect	58
● Red Energy	150
● Sanctuary Energy	95
● Simply Energy	2
● TRUenergy	882

Energy Distributors

No. complaints

● ActewAGL Gas Distribution	1
● Albury Gas Company	1
● Ausgrid	266
● Central Ranges Pipeline	1
● Endeavour Energy	160
● Envestra NSW	3
● Essential Energy	136
● Jemena	54
● TransGrid	2

Water Distributors/Retailers

No. complaints

● Essential Energy**	5
● Gosford City Council	10
● Hunter Water	46
● Shoalhaven Water	12
● State Water	5
● Sydney Water	314
● Wyong Shire Council	7

There were no complaints received about Aurora Energy, APT Allgas, Momentum Energy, Veolia Water Solutions & Technologies or Water Factory Company.

**Essential Energy is a water provider for Broken Hill customers only.

6 Community outreach

ABORIGINAL AND TORRES Strait Islander outreach initiatives have seen EWON's Aboriginal Project Officer, Tracey Duncan, travelling to various locations across NSW. In Broken Hill, Tracey met with Thankakali Aboriginal Corporation, Essential Energy as well as welfare, housing and tenancy advisory services before heading to Wilcannia to present to the community about EWON services as part of Financial Literacy Community Day.

2012 marked the tenth year of the Yabun Festival to celebrate the survival of Aboriginal and Torres Strait Islander culture and EWON was pleased to participate again as a stallholder and speak with visitors from across the state.

Tracey has been working closely with NSW State Land Council's Indigenous Money Mentor (IMM) to bring important information and complaint services to

communities in rural and remote areas. Most recently, EWON participated with the Anti-Discrimination Board and the Department of Environment & Heritage in an IMM forum series that visited Tamworth, Gunnedah, Caroonah and Quirindi. We were pleased to see many Aboriginal customers in these towns enjoying the benefits of the Home Power Savings Program. Through our visit we also identified a billing issue we can now work with relevant organisations to see resolved for customers.

Tracey has also been busy continuing EWON's work with the Department of Premier & Cabinet to provide community information and assistance. In March, she represented EWON at community events in Queanbeyan, Young, Yass and Goulburn.

Please contact Tracey at traceyd@ewon.com.au if you would like to organise for EWON to participate in a community event or initiative or to give a presentation.

EWON STALL AT MARDI GRAS FAIR DAY



FIND EWON AT THESE UPCOMING EVENTS:

- 13 May **Law Week Expo**, Martin Place
- 14 May **Law Week Expo**, Parramatta Mall
- 17 May **Pensinsula Links Day**, Woy Woy
- 22 May **Good Service Forum**, Nowra
- 23 May **Good Service Forum**, Moruya

- 5 June **Homeless Connect**, Sydney Town Hall
- 15 June **Jobs and Skills Expo**, Lidcombe

- 7 August **Hunter Homeless Connect Day**, PCYC Broadmeadow
- 9 August **Willoughby Homeless Hub**, Dougherty Centre Chatswood

EWON IN THE ILLAWARRA: VISIT TO NAVITAS AND THE ILLAWARRA FORUM'S COMMUNITY FORUM





EWON'S TRACEY DUNCAN (CENTRE) AT YABUN

EWON STRONGLY VALUES its link to community welfare organisations and we continue to visit agencies and talk with workers and their clients about energy and water issues at forums and other events.

In March 2012, EWON and the Illawarra Forum hosted a community forum in Wollongong, where EWON's Community Development Officer, Narelle Brown, presented with a representative from Origin Energy. She also presented to staff at Wollongong's Navitas, a refugee settlement agency, and met with Anglicare Wollongong's staff at their premises. These visits provided an invaluable opportunity for EWON to hear agencies' concerns for disadvantaged consumers experiencing fuel stress and the difficulties around growing debt and increasing demands upon the EAPA scheme.

Our forums with NSW Fair Trading continue this year and will be held in Penrith, Kogarah, the Northern Beaches, Port Stephens and Tuncurry. In coming months we will be attending homeless events and talking with people who are homeless or at risk of becoming homeless. In the past, these events have enabled us to assist many people who are isolated and who have not sought assistance.

Please contact Narelle at narelleb@ewon.com.au if you would like to organise a presentation or have EWON attend a community event.

National Energy Customer Framework

On 1 July 2012, new national energy laws are proposed to be adopted by NSW, with a national regulator – the Australian Energy Regulator (AER).

This change is aimed at harmonising the different electricity and gas legislation that had evolved in six separate states. The new national laws cannot be fully adopted in NSW while we still have price regulation by IPART, so there will be a transitional period before the full scope of the new laws apply in NSW.

EWON supports a national approach to energy law and the strengthening of a range of consumer protections. However, we are concerned that the new requirement for retailers to issue bills based on actual reads just once every 12 months may cause some weakening of consumer protections.

HANDY HOW-TO BASIC WATER METER CHECK



If you or a client suspect that a faulty meter or a hidden leak may be contributing to a high bill, there's a basic check you can do to investigate.

Check meter accuracy

Step 1 Turn off all taps and water using appliances such as dishwashers and washing machines. Do not turn the supply off at the main.

Step 2 Check the water meter reading and note it down.

Step 3 Turn on a tap over a bucket and fill it up to a clear volume mark so you can accurately measure how much water you've let run.

Step 4 Turn off the tap and return to the meter to do another reading. The meter reading should only be higher than the previous reading by as much as the volume of water in the bucket. If it's higher, the meter may be faulty. (Usually meters under-record rather than over-record as they get older, so the reading increase may seem slightly lower than you expect.)

Step 5 Use the water for cleaning or gardening – don't just pour it down the sink!

Check for a leak

If the metering seems accurate, but you suspect a hidden leak may be pushing up usage over time, you can do an overnight test.

Step 1 Before going to bed, fill up a bucket or bottle of water and set it aside for use overnight if required.

Step 2 Turn off all taps, including toilet taps. Do not turn off the supply at the main.

Step 3 Check the meter reading and note it down. Be sure not to run any water through the night!

Step 3 In the morning, check the meter before turning on any taps. If it has moved, then you may have a hidden leak on your side of the meter and you should contact a plumber for assistance.

Key changes to consumer protections under NECF

- Increased oversight by the AER of retailers' hardship programs
- A national price comparator website operated by the AER to provide independent information on contract offers
- The period for which a retailer can recover amounts it has undercharged is reduced from 12 months to 9 months
- Informed consent rules require retailers to explain the terms of their contracts so that the customer understands
- New comparative information on energy bills to help customers reduce their usage

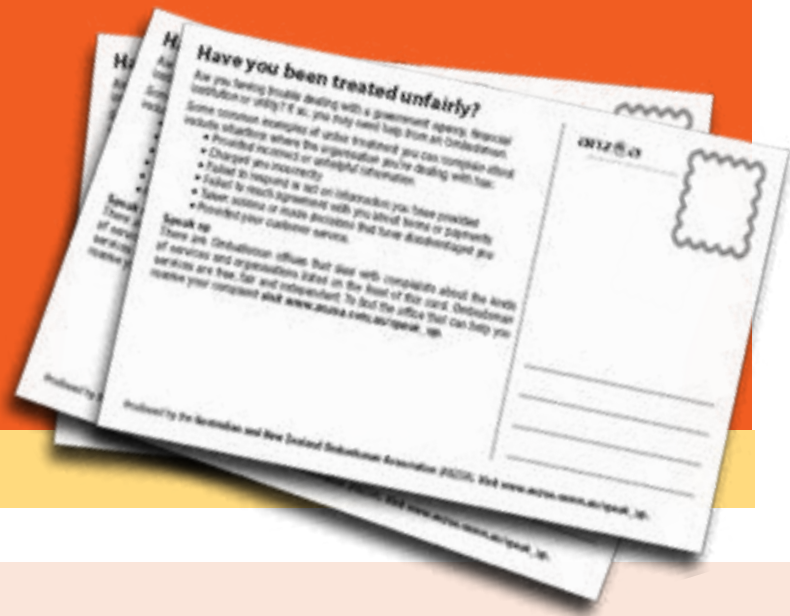
Focus on youth

OMBUDSMAN POSTCARD CAMPAIGN

As part of Australia and New Zealand Ombudsman Association (ANZOA), EWON has launched a postcard campaign aimed at young people, in particular tertiary students.

Research undertaken by the Commonwealth Ombudsman shows low levels of awareness of Ombudsman services among youth. By placing these cards at venues in and around universities and TAFEs in Perth, Sydney and Melbourne, ANZOA is aiming to raise the profile of Ombudsman services, to help young people recognise unfair treatment and to let them know what they can do about it.

Visit the campaign page at www.anzoa.com.au/speak_up or go to www.ewon.com.au to order postcards for distribution.



About EWON

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.

We can help customers with a range of problems including:

- high bills, disputed accounts
- debts, arrears
- negotiating affordable payment plans
- problems getting reconnected
- disconnection/restriction of supply
- opening/closing accounts
- energy marketing practices
- negotiated contracts or switching retailers
- reliability or quality of supply

Contact EWON

Freecall 1800 246 545*

Monday–Friday, 9am–5pm

*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 we will call you back.

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

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