



7 November 2019

Ms Leona Fernandez
Policy Officer, Real Estate and Housing Team, Regulatory Policy
Better Regulation Division | Department of Customer Service
Level 5, McKell Building, 2-24 Rawson Place
Sydney NSW 2000

Dear Leona

Residential Tenancies Regulation 2019

Thank you for the opportunity to comment on the targeted consultation for the draft Residential Tenancies Regulation.

The Energy & Water Ombudsman NSW (EWON) investigates and resolves complaints from customers of electricity and gas providers in NSW, and some water providers. EWON receives and responds to complaints from customers on metering work and electricity supply interruption issues relating to retailer and distributor activities. Our comments are informed by our investigations into these complaints, and through our community outreach and stakeholder engagement activities.

We have only responded to those questions that align with issues customers raise with EWON, or with our organisation's operations as they relate to this review.

Water efficiency – Regulation 10

EWON welcomes the extension of the water efficiency measures to provide for the inclusion of dual flush toilets. We also recognise that the five-year time frame for implementation is a reasonable approach which will provide an acceptable transition period.

Service Availability Charges – Regulation 11

The minor clarification to the existing regulation for circumstances where there is a gas connection, but no gas appliances is also welcome. It is only fair that if a landlord wishes to retain a gas connection for future purposes, then they should pay the service availability charge.

Meter Replacement – Regulation 12

The new regulation specifying that a landlord is responsible for any work required for the installation of an electricity meter is especially welcome. EWON has been receiving complaints from tenants where a meter replacement has been delayed because a landlord would not pay to have the meter board fixed to meet required standards. This regulation will provide the basis for ensuring that this problem now has a solution and that the relevant responsibilities are clearly understood by all parties.

Embedded Networks – Regulations 34 & 35

Since the previous review of the Residential Tenancies Regulation there has been a dramatic growth in the establishment of embedded energy networks, especially in multi dwelling buildings. These new clauses clarify the definition of a meter so that meters in an embedded network are recognised as meters for the purposes of sections 38 and 40 of the Residential Tenancies Act. This addition provides regulatory clarity for the clearly understood responsibility of tenants to pay for their energy usage.

The proposal to include in Schedule 1 of the Standard Form Agreement information for tenants clarifying if their energy is to be provided from an embedded network is a significant improvement. Knowing this information prior to signing a lease is an important consumer protection.

In conclusion, the clauses of the regulation you have asked us to consider all seem to clearly improve the wording of the regulations so that the clear intention of the Act in terms of responsibilities of both landlords and tenants are clear and easily understandable.

If you would like to discuss this matter further, please contact me or Rory Campbell, Manager Policy and Research, on (02) 8218 5266.

Yours sincerely



Janine Young
Ombudsman
Energy & Water Ombudsman NSW