



ENERGY & WATER
OMBUDSMAN SA

MEMORANDUM OF UNDERSTANDING

THE TECHNICAL REGULATOR

and

ENERGY AND WATER OMBUDSMAN (SA) LIMITED

October 2017

1. Purpose

- 1.1. This memorandum of understanding ("MoU") sets out arrangements to promote effective communication, co-operation and co-ordination between the Energy and Water Ombudsman (SA) Limited ("the Company" or "the Energy and Water Ombudsman SA") and the Technical Regulator ("Technical Regulator") (together referred to as the "Parties") in performing their roles and functions in Australia's energy and water industries. These arrangements aim to enhance the understanding of consumer protection issues, in relation to the national energy market and water industry, and the performance by the Ombudsman and the Technical Regulator of their respective roles.
- 1.2. This MoU is a public document and communicates, in a transparent way to all stakeholders, the administrative arrangements that operate between the Parties.
- 1.3. This MoU replaces the Memorandum of Understanding between the Office of the Technical Regulator under the *Electricity Act 1996* and the Electricity Industry Ombudsman South Australia dated 28 July 2000.

2. Parties to the Understanding

2.1 Office of the Technical Regulator

The Technical Regulator is a statutory office established under the *Electricity Act 1996*, *Gas Act 1997* and the *Water Industry Act 2012*.

The functions of the Technical Regulator are outlined in the *Electricity Act 1996*, the *Gas Act 1997* and the *Water Industry Act 2012* and include:

- the monitoring and regulation of safety and technical standards in the electricity and gas supply industries;
- the monitoring and regulation of safety and technical standards with respect to electrical and gas installations;
- the administration of the provisions of the *Electricity Act 1996* relating to the monitoring and investigation of major interruptions to the electricity supply in the State including the provision of relevant reports and the clearance of vegetation from powerlines;
- the development of technical standards in connection with the water industry;
- the monitoring and regulation of technical standards with respect to water and sewerage installations and associated equipment, products and materials (including on the customer's side of any connection point), and plumbing.

The Technical Regulator under the *Electricity Act 1996* also has functions under the *Energy Products (Safety and Efficiency) Act 2000* which include the labelling of energy products, prohibition of the sale and/or use of unsafe energy products and issuing public warning statements relating to energy products.

2.2 Energy and Water Ombudsman (SA) Limited

The Energy and Water Ombudsman SA is an independent body established to investigate and resolve disputes between customers and their electricity, gas and water and sewerage providers in South Australia.

In summary the jurisdiction of the Energy and Water Ombudsman SA, as set out in the Constitution of the Company, extends to:

- the supply, or failure to supply electricity, gas or water and sewerage services;
- billing disputes;
- the administration of credit and payment services;

- disconnection and security deposits;
- land or property access;
- referrals from the Essential Services Commission of South Australia or the Australian Energy Regulator;
- behaviour of electricity, gas and water entity staff, contractors and agents including sales and marketing; and
- other areas by agreement.

The functions of the Energy and Water Ombudsman do not extend to complaints relating to:

- electricity, gas, water or sewerage pricing policies and tariff structures;
- Government policies, legislation, licences and codes;
- commercial activities of members that are outside the scope of their licence;
- complaints that have already been considered by a Court, tribunal or arbitrator;
- Customer contributions to the cost of capital works; or
- disputes between Members of the Company.

3. Complaint Referral Arrangements

3.1 Referral of complaints

In recognition of the need to avoid duplication of effort between the Parties and to ensure a consistency of approach between them, it is agreed that:

- (i) The Parties will refer to each other matters which come to their attention and which relate to specific areas of interest and/or jurisdiction or function of the other, as agreed between them from time to time.
- (ii) Any such complaints received by the Technical Regulator will be emailed to the Energy and Water Ombudsman SA at: contact@ewosa.com.au.
- (iii) Any such complaints received by the Energy and Water Ombudsman SA will be emailed to the Technical Regulator at DPCEnergyDivision@sa.gov.au.

3.2 Advice to complainant

The Technical Regulator or the Energy and Water Ombudsman SA shall advise the relevant complainant of their options to:

- (i) take their complaint directly to the other party; or
- (ii) with their consent, have their complaint, together with any information provided by the complainant in relation to the complaint, referred to the other Party.

3.3 Information to accompany a referred complaint

The information to accompany a referred complaint is to include:

- copies of all documentation held by the referring party that relates to the complaint, or part of the complaint, being referred;
- advice on whether any part of the complaint being referred is also being referred to any other party for attention; and
- advice on whether the referring party intends to continue to deal with the complaint, or part thereof.

3.4 Provision of technical advice

The Technical Regulator may at the request of the Energy and Water Ombudsman SA provide technical advice, including advice in relation to complaints received by the Energy and Water Ombudsman SA.

4. Confidentiality of information provided

It is acknowledged that confidentiality is to be maintained within the statutory framework, or any other requirements that apply to either Party.

5. Liaison

Representatives of the Parties will meet from time to time, to consider:

- issues in relation to current complaint files or investigations;
- current projects of mutual interest to the parties; and
- other matters or activities which could involve an overlap in jurisdiction or give rise to duplication of effort by the parties.

The Parties keep each other briefed on areas of joint interest.

The Parties will, from time to time, consider whether there is a need for joint research on issues of mutual interest within their respective mandates, or other joint activities, including the provision of information or reports to the public and if so, undertake such research and share its results, or conduct such other joint activities.

6. Review

This MoU will continue in force until such time as another MoU is agreed and signed between the parties. The Energy & Water Ombudsman and the Technical Regulator can initiate a review of this MoU where necessary.

In the event of any disagreement between the Parties as to the implementation of this MoU or the performance of their respective functions, powers and duties, the Parties (or their delegates) will seek to resolve the matter in accordance with the purpose of this MoU.

This MoU is not intended to be legally binding on the parties.

7. Public Availability

This MoU may be published on the Office of Technical Regulator and the Energy and Water Ombudsman SA websites.

Dated this 31 day of October 2017



Robert Faunt
Technical Regulator



Sandro Canale
Energy and Water Ombudsman SA