

FAQs on the Customer Water and Wastewater Code and the Energy and Water Ombudsman

What is the Customer Code?

The Customer Code details the rights and obligations between the new council owned businesses (Allconnex, Unitywater and Queensland Urban Utilities) and their small customers.

The Customer Code came into effect on 1 January 2011.

A copy of the customer code can be found on the QWC website.

Who does the Customer Code apply to?

The Customer Code applies to Distributor-retailers and their 'small customers' within South East Queensland (SEQ). The Customer Code does not apply to services provided outside of South-East Queensland.

What is the definition of a 'small customer'?

Under the Code, a 'small customer' is someone who is receiving a bill in their own name from a Distributor-retailer for the premises (or would if they were connected) and is either:

- a residential customer (no matter how much water they consume); or
- a non-residential customer (i.e. a business) who consumes or is likely to consume 100kL or less of reticulated potable water or dual reticulation water per annum.

Note: There are rules under the Customer Code to assist in determining whether a new non-residential customer, without any consumption history, would be considered a 'small customer'.

What issues does the Customer Code cover?

The Customer Code only deals with the main types of water and wastewater services that people use such as drinking/household water and transportation and treatment of sewerage.

The Customer Code covers issues such as:

Issue	Summary
Billing (but not pricing)	The content that must be provided in a customer's account. The Code also covers disputes about the calculation of the bill or failure to properly apply a concession for which a customer is eligible. Note: The Customer Code does <u>not</u> deal with the cost of water or sewerage services, or a customer's eligibility for a concession.
Payment difficulties	The circumstances in which payment plans must be offered to customers experiencing payment difficulties and what instalment plans must cover.
Delays in connections	The timeframes in which a Distributor-retailer must provide supply connections.
Meter reading or testing disputes	The requirements for meter readings and the processes for meter testing (e.g. where meters may be faulty).
Estimated meter reads	The circumstances in which meter reads may be estimated.
Supply restrictions	The circumstances in which supply may be restricted (i.e. lowering flow rates). Note: Total supply disconnection is prohibited.
General customer service issues	Dispute resolution and complaints handling requirements.

Can a customer dispute an unusually high water bill?

Yes. If a customer believes their bill is unusually high (e.g. the customer believes the Distributor-retailer has made an error), the customer may ask their Distributor-retailer to review the account. An unusually high water bill could be caused by a leak or a faulty meter.

If the parties cannot agree on the amount owing then the Customer Code specifies appropriate complaints and dispute resolution processes.

While the matter is being investigated, the Distributor-retailer may request payment of a portion of the account, based on the amount that is not in dispute or the customer's average consumption over the past 12 months.

If the customer believes the high water bill is the result of a faulty meter, the customer can contact the Distributor-retailer and request a meter accuracy test.

Who pays for getting a meter tested?

A customer can request their meter to be tested, but if the meter is tested and found to be registering accurately, the customer must pay for the test.

There are rules for when a meter is inaccurate and, in general, a tolerance of plus or minus 5 per cent is observed.

If the meter is not registering accurately, the Distributor-retailer must refund the test fee paid by the customer and adjust the customer's account to reflect the actual or reasonable estimation of the water supplied to the customer.

Can a customer dispute an estimated meter read?

Customer bills are based on both fixed access fees (associated with the cost of infrastructure etc.) and consumption components (based on the amount of water consumed). As a bill contains consumption components, access for reading water meters is important. Customers have obligations to ensure that unhindered access to the water meter is made available.

Sometimes, the Distributor-retailer may not be able to read a meter because of pets, locked security gates, or an obstruction that blocks the meter. In these cases, a Distributor-retailer can bill you on estimated consumption. In doing so, the Distributor-retailer must take reasonable steps to ensure that an actual meter reading is obtained at least once every 12 months and to ensure that it does not use an estimated reading for billing purposes for two or more consecutive billing cycles, unless there is a reasonable excuse.

When a customer has been billed on estimated consumption, their next bill under an actual meter read will be adjusted to take account of actual consumption.

My water bill is high because I have a leak on my property – what can I do?

Water leaks which are the result of disrepair or damage to the customer's own plumbing are the responsibility of the customer. Each of the Distributor-retailers provides information on their websites to help customers identify leaks.

While the responsibility for water consumed due to leaks in customer's plumbing is the responsibility of the customer, each of the Distributor-retailers offers a rebate for a portion of the excess water consumed due to certain undetected leaks (such as underground leaks). You should contact your Distributor-retailer to find out whether you would be eligible for a rebate. However, your leak must have been repaired by a licensed plumber.

What happens if a Distributor-retailer or small customer breaches the Customer Code?

If the Customer Code is breached by either a Distributor-retailer or small customer, either party may refer the matter to the Energy and Water Ombudsman Queensland. The parties must have attempted to resolve the dispute with each other before attempting to refer the matter to the Energy and Water Ombudsman Queensland.

What is the Energy and Water Ombudsman Queensland (EWOQ)?

The Energy and Water Ombudsman Queensland (EWOQ) is a free dispute resolution and investigation service that can hear complaints about non-compliance with the requirements of the Customer Code (e.g. failure by Distributor-retailers or small customers to meet their obligations as outlined in the Customer Code).

The EWOQ can only hear matters relating to an obligation if it is covered by the Customer Code. That is, the EWOQ can only hear disputes:

- about services provided by Distributor-retailers in SEQ;
- about services covered by the Customer Code;
- with small customers who are covered by the Customer Code - i.e. only residential customers (regardless of the amount of water consumed) or non-residential businesses (provided they consume 100kL or less of potable or dual reticulation water per annum).

The EWOQ is also required to have a strategic oversight of the complaints investigated and if necessary, identify and report any systemic issues.

What powers does the EWOQ have?

Ordinarily, the Energy and Water Ombudsman investigates, negotiates and conciliates. However, ultimately, the EWOQ may decide to make a final order against the Distributor-retailer to resolve a complaint. This order can be lodged in the Magistrates Court and can be enforced in the event the Distributor-retailer does not comply with the order.

The Energy and Water Ombudsman can order the Distributor-retailer to:

- pay compensation to consumers (e.g. for destruction of property);
- provide a non-monetary solution to remedy the dispute; and/or
- undertake corrective work.

The Energy and Water Ombudsman cannot make a determination about a matter if the customer is not satisfied with the proposed determination (Distributor-retailers cannot oppose proposed determinations).

If the small customer is unsatisfied with the terms of the proposed determination, small customers are free to seek their own remedies against the distributor-retailer through other means such as court action.

Once a determination is made, these determinations cannot be appealed by another means (although judicial review is available in extremely limited circumstances).

What types of complaints may be referred to the EWOQ?

In practice, the EWOQ scheme can investigate the following types of complaints:

- billing issues – disputed usage and disputes around how an account has been worked out (but not price or eligibility for or amount of subsidies);
- payment difficulties, including payment plans and debt collection;
- delays in connection;
- meter reading or testing disputes (noting that estimated meter reads are a legitimate method for billing, provided the required number of actual meter reads are performed in the year);
- restricted supply for continuing non-payment (water supply cannot be totally disconnected and certain requirements apply before restriction can occur);
- imposition of security deposits;
- sewerage spills; and
- actions of a Distributor-retailer which may affect your property.

The EWOQ can only hear a complaint provided the parties have first tried to resolve the matter themselves.

Why must the Distributor-retailer and the small customer attempt to resolve the dispute before referring the matter to the EWOQ?

The Energy and Water Ombudsman is bound, under its own legislation, to ensure that it does not commence an investigation into a dispute unless the small customer has first tried to resolve the dispute with their Distributor-retailer.

This ensures that the parties have had an opportunity to first clarify any misunderstandings and also avoids unnecessary costs involved in the EWOQ investigating the dispute.

How do I refer a matter to the EWOQ?

A small customer may refer a matter to the EWOQ provided the small customer has first attempted to resolve the matter with the Distributor-retailer. Complaints to the EWOQ can be made in the following ways:

Web: Visit www.ewoq.com.au

Complaints can be made via an online complaint form.

Freecall: 1800 662 837

Calls from mobile phones may attract charges. If you inform the EWOQ that you are calling from a mobile, they can call you back.

Translation services: 131 450 — for help using an interpreter visit TIS

National Relay Service: 133 677 — for help using this service visit NRS

Fax: (07) 3227 7068

Email: complaints@ewoq.com.au or info@ewoq.com.au

Mail/in person:

Brisbane

Write to: PO Box 3640 South Brisbane Qld 4101

In person: Level 9, 179 North Quay, Brisbane

(8:30am - 5:00pm)

Visit the EWOQ's website for further information.

Why does the matter have to be about the Customer Code?

The EWOQ's complaints and dispute-resolution scheme focuses on the main types of services that householders and small businesses use such as drinking/household water and the main type of sewerage transport and treatment services.

The Customer Code sets out the standards which the Distributor-retailer must meet for those services and the EWOQ can hear disputes if those standards have not been met (provided the parties have first tried to resolve the matter themselves).

The Distributor-retailer will be able to explain to a customer whether a complaint relates to the Customer Code. Further, the Energy and Water Ombudsman's staff will be able to clarify whether the matter relates to the Customer Code and whether the necessary standards have been met.

Is access to the EWOQ Scheme free?

Yes. The Energy and Water Ombudsman does not charge small customers for using its scheme. The three Distributor-retailers (and other energy and gas providers) contribute to funding the Scheme.

What if I don't own the property to which the bill relates – does the Customer Code and the EWOQ scheme apply to me?

The new arrangements only apply to people and businesses which have a direct billing relationship with their Distributor-retailer (i.e. receive a water/sewerage account for the premises in their own name). This means that certain people (tenants, people who live in retirement villages if they do not own the premises freehold, retail shop lessees, etc.) are not covered by the Customer Code and do not have access to the EWOQ scheme.

Dispute resolution processes for these people and businesses are outlined in the Customer Code (pp37-38).

What if I'm not a 'small customer'?

Only small customers have access to the EWOQ scheme. Other customers should contact the Queensland Ombudsman regarding their complaint to ascertain if the Queensland Ombudsman can assist.

What happens for customers outside of SEQ?

Most water service providers outside of SEQ are local councils (although there are some private water service providers).

Unless a customer has an individual contract with the non-SEQ water service provider, a service provider outside of SEQ is required to put in place customer service standards to deal with a number of matters, including:

- the level of service to be provided by the service provider;
- the process for service connections, billing, metering, accounting, customer consultation, complaints and dispute resolution; and
- any other matter stated in guidelines, if any, made by the Regulator (the Department of Environment and Resource Management) for preparing customer service standards.

A customer to whom these service standards apply, and who believes that the customer service standards have not been met in whole or in part, and who has attempted to resolve the issue with their water service provider, should contact the Queensland Ombudsman.

There are separate arrangements for non-SEQ private water service providers. The Department of Environment and Resource Management (DERM) can provide details of these arrangements.

Are there similar Energy and Water Ombudsman schemes in other states?

Yes. Both Victoria and New South Wales have integrated 'utility' industry-based Ombudsman schemes which deal with electricity, gas and water services.

Why not just continue to use the Queensland Ombudsman for water complaints in SEQ?

The Queensland Ombudsman is usually limited to administrative actions and recommending methods of improving the quality of decision-making and administrative practices.

The Energy and Water Ombudsman's focus is wider than just the administrative actions and looks at certain, wider service delivery issues in utilities (i.e. the electricity, gas and water sectors). The Energy and Water Ombudsman's scheme will provide a more detailed and investigative service for the Distributor-retailers and their small customers. The Energy and Water Ombudsman is also able to make binding determinations and make orders for financial compensation where necessary, a power which is not open to the Queensland Ombudsman.

Can a Distributor-retailer remove a water rebate or subsidy for non-payment of a customer bill?

No.

Can a Distributor-retailer disconnect a property for non-payment of a customer bill?

No, although restrictions of flow can be imposed, provided that certain safeguards and notices are given (as outlined below).

Can a Distributor-retailer restrict water supply to a property for non-payment of a customer bill?

Yes. However, only after the customer has been given reasonable notice of supply restriction, and provided the customer has been offered an opportunity to enter into an instalment plan if they are experiencing financial difficulty, and have not defaulted on that payment plan more than once in a 12 month period. Supply cannot be completely shut-off and there must be sufficient volume for health and sanitation purposes.

Premises which have been registered as special needs premises (e.g. a kidney dialysis patient resides in the premises and the Distributor-retailer has been advised of this) can not be restricted under any circumstance.

Can a tenant be responsible for paying a water bill?

Generally landlords are responsible for paying service charges for water and sewerage, however a tenant can be asked to pay the landlord for water usage.

A landlord is able to pass on the full water consumption costs to tenants if:

- the rental premises are individually metered (or water is delivered by vehicle), and
- the rental premises are water efficient, and
- the tenancy agreement states the tenant must pay for water consumption.

Water efficient rental premises must have fixtures (internal cold water taps, showerheads and toilets) that meet or exceed performance standards for a three-star Water Efficiency Labelling Standards (WELS) rating.

If the tenant and landlord/agent cannot agree about water charges, the Residential Tenancies Authority's Dispute Resolution Service may be able to assist.

For more information, contact the Residential Tenancies Authority on **1300 366 311**.

What matters are not able to be heard by the EWOQ?

The Energy and Water Ombudsman is limited to hearing matters which are dealt with by the Customer Code.

There are a number of matters which aren't dealt with by the Customer Code and therefore can't be heard by the EWOQ. These include:

- pricing (i.e. the amount the water costs), however incorrectly calculated bills can be dealt with;
- water reform (i.e. Distributor-retailers as supply providers rather than local councils);

- water quality (Distributor-retailers are already subject to extensive monitoring for health requirements, including on-line real-time monitoring for some important water quality parameters);
- the level of subsidies or rebates (although the incorrect application of subsidies or rebates can be dealt with);
- complaints by large customers (although these customers still have access to the Queensland Ombudsman);
- matters which don't fall within the Customer Code; and
- matters which are dealt with by the Customer Code, but which arose before 1 January 2011.

Who do I contact to complain about a matter that arose before 1 January 2011?

The Energy and Water Ombudsman can only hear complaints about matters arising under the Customer Code. As the Code was made effective on 1 January 2011, the complaint must either relate to a bill which was delivered after that time or an issue that occurred after this date. The Queensland Ombudsman may be able to assist you in resolving disputes that arose before 1 January 2011.

Who do I contact if I have a query about water quality?

Seqwater, a State Government-owned water entity, is responsible for capturing, storing and treating water that will eventually be supplied to customers in SEQ by the Distributor-retailers (Allconnex, Unitywater and Queensland Urban Utilities). Each of the entities involved in treating and supplying drinking water has in place management plans to ensure extensive monitoring of water quality.

However, where there is an issue with water quality, customers should contact their local Distributor-retailer.

The Energy and Water Ombudsman cannot hear complaints about water quality.