

AGL Queensland Customer Information Statement

Dispute resolution and the Energy Ombudsman

If you have a dispute with AGL in any of the following areas, please call us on 131 245 and we will aim to resolve the issue with you:

- one of our representatives entering your property
- our performance under your Energy Contract
- our functions under an energy Act, Regulation or Code

If we cannot resolve the dispute to your satisfaction, you can apply to the Energy Ombudsman for a resolution of the dispute. The Energy Ombudsman is an office established by the Queensland Government to investigate and help resolve disputes between customers and energy entities (including distributors and retailers).

How to contact the Energy Ombudsman

You, or someone authorised on your behalf, can refer a dispute to the Energy Ombudsman either over the phone or in writing. You can call the Energy Ombudsman on 1800 662 837.

For more information on how to refer disputes to the Energy Ombudsman, call the Queensland Competition Authority (**QCA**) on (07) 3222 0555.

For information about the services that AGL offers, please call us on 131 245.

What cannot be referred to the Ombudsman?

Certain disputes cannot be referred to the Energy Ombudsman. These are set out in the *Energy Ombudsman Act 2006* (Qld). Most importantly, disputes cannot be referred if:

- (a) the Energy Ombudsman has already made a decision on an earlier dispute referral and the parties to the earlier dispute are the same and the proposed dispute is substantially the same;
- (b) the Energy Ombudsman is satisfied that you have not made a genuine attempt to resolve the matter with us;
- (c) we have stopped being a retailer of gas and electricity for at least 12 months;
- (d) 12 months have passed since the latter of the following:
 - (i) the performance of our function or obligation; or
 - (ii) you becoming aware of the performance of our function or obligation;
- (e) the dispute relates to chapter 5A of the *Electricity Act 1994* (this chapter concerns industry regulation and includes the establishment of industry codes and the penalties and procedures for the enforcement of those industry codes);
- (f) the dispute relates to the fixing of tariffs, the fairness of our contractual terms or our commercial activities outside the scope of any energy Act authority that we hold;
- (g) the dispute relates to eligibility for State government concessions or rebates, government policies or legislation, things required to be done under an Energy Act (for example, emergency rationing) or customer contributions towards the cost of capital works,
- (h) the dispute has already been decided by proceedings;
- (i) there are unfinished proceedings relating to the dispute (unless the Energy Ombudsman and the parties to the proceedings agree otherwise or the relevant court makes an order for the Energy Ombudsman to investigate);
- (j) the dispute relates to the *Community Ambulance Cover Act 2003*, including, amongst other things, the amount or collection method of levies under that Act; or
- (k) the relevant dispute may be dealt with under the *Queensland Competition Authority Act 1997*, the *Electricity National Scheme (Queensland) Act 1997* or the *Gas Pipeline Access (Queensland) Law*.

The Energy Ombudsman has discretion to decide a dispute made outside the timeframes set out in clauses (c) and (d) above.

The Ombudsman does not have to investigate a dispute

The Energy Ombudsman may decide not to investigate a dispute referral or decide not to continue the investigation into a dispute referral if it is reasonably satisfied that:

- (a) the subject of the dispute is trivial, frivolous or vexatious or has not been made in good faith;
- (b) you don't have a sufficient direct interest in the subject of the relevant dispute;
- (c) we have not been given a reasonable opportunity to resolve the relevant dispute;
- (d) you have a right of appeal, reference or review, or another remedy, that you have not reasonably exhausted;
- (e) under an energy Act the regulator or the QCA has the power to give appropriate relief to you;
- (f) because of a preliminary enquiry the relevant dispute should not be investigated; or
- (g) in the circumstances, the investigation, or the continuance of the investigation, of the matter the subject of the relevant dispute is unnecessary or unjustifiable.

The Energy Ombudsman may refuse to investigate an oral dispute until the dispute referral is made in the approved written form which can be found at www.eoq.com.au (available from July 1 2007).

How the Ombudsman will notify you

The Energy Ombudsman will notify you whether your dispute will or will not be investigated and why. In determining whether a dispute referral should be investigated, the Energy Ombudsman may require your help and, to progress the investigation, you will have to give that help.

You may ask the Energy Ombudsman to withdraw your dispute at any time.

How the investigation is conducted

If the Energy Ombudsman decides to investigate a dispute, it may use mediation or negotiation to attempt to resolve the dispute as part of the proceedings. The Energy Ombudsman may regulate the procedure for an investigation.

When carrying out an investigation, the Energy Ombudsman:

- (a) is not bound by the rules of evidence, but must comply with natural justice;
- (b) may, but is not required to, hold a hearing for the investigation;
- (c) may obtain documents or information that is, are or may be relevant to the investigation, from the persons, and in the way, the Energy Ombudsman considers appropriate;
- (d) may make the enquiries that the Energy Ombudsman considers appropriate;
- (e) must act in a way that is fair, reasonable, just, informal and timely and maintains confidentiality; and
- (f) must act in accordance with best practice in the performance of its functions.

The Energy Ombudsman will develop and make guidelines for dispute referrals and investigations procedures.

During an investigation the Energy Ombudsman may:

- (a) require us to provide to the Energy Ombudsman documents that may be relevant to the investigation; and

- (b) give us an order requiring us to stop doing an act relevant to the investigation, if it is fair and reasonable to do so.

If you commence legal proceedings during an investigation by the Energy Ombudsman, the investigation will end. You should be aware that the Energy Ombudsman's investigation and dispute resolution process are not legal proceedings.

What orders can the Energy Ombudsman make?

After finishing the investigation, the Energy Ombudsman may either decide to make or refuse to make a final order in your favour.

The Energy Ombudsman may order us to:

- (a) pay compensation to you;
- (b) provide you with goods or services under the relevant energy Act;
- (c) amend, or not impose, the stated charge for stated services under the relevant energy Act;
- (d) perform corrective action or work;
- (e) correct, delete from or add to a stated record;
- (f) add to a stated record a statement provided by you of a correction, deletion or addition sought by you; or
- (g) do or not to do or stop doing a stated act.

The Energy Ombudsman may also make an order ending a negotiated contract if, in the Energy Ombudsman's opinion, our conduct in the formation of the contract was unconscionable, unfair, misleading or deceptive.

What is considered when making an order

In making a final order the Energy Ombudsman will consider:

- (a) the purpose or object of the relevant energy Act; and
- (b) the rights and obligations of the parties under a relevant energy Act, industry code, energy authority or contract between the parties.

The final order cannot require us to incur costs or pay compensation of an amount more than:

- (a) the amount prescribed under a regulation; or
- (b) if no amount is prescribed:
 - (i) if all the parties have agreed to an amount of no more than \$50,000 – the agreed amount; or
 - (ii) otherwise - \$20,000.

The final order also cannot require any of the parties to pay costs of a dispute referral, preliminary enquiry or investigation.

How will you be notified of the decision?

The Energy Ombudsman will give the parties to a dispute the Ombudsman's decision and the reasons for the decision (**decision notice**).

You may by written notice to the Energy Ombudsman elect to accept or not accept the order made by the Energy Ombudsman. If you fail to give notice that you do not accept the order within 21 days of the decision notice, you are taken to have elected to accept the order and to be bound by it.

If you elect not to accept the order, the order stops having effect.

Once the order is accepted, it is final and conclusive and binds the parties for all matters that were the subject of the relevant dispute (subject to the *Judicial Review Act 1991*).

Enforcing an order

If an order that is accepted states that we must pay to you a particular amount, you or the Energy Ombudsman may file the order in a Magistrates Court. Once filed, the order becomes a judgment of that court for the stated amount.

You must do anything that is both necessary and reasonable to allow us to comply with an accepted order that is accepted. If you fail to do this we may notify the Energy Ombudsman who may give you and us directions to allow us to comply with the order.

Following directions from the Energy Ombudsman

If you do not comply with the directions given in an order, the Energy Ombudsman may declare that we have complied with the accepted order.

If we do not comply with compliance directions given in an accepted order, we will be liable for a penalty. If we do not comply with compliance directions or an accepted order, the relevant regulator may take legal action against us.