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2023 Statutory Review of Energy and Water Ombudsman Western Australia

Final Report

September 2023

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Quantum Management Consulting and Assurance

ABN 83 083 848 168 Liability limited by a scheme approved under Professional Services Legislation

Level 28 AMP Tower, 140 St Georges Terrace, Perth **M.** PO Box 6882, East Perth WA 6892

T. 08 9278 2570 **F.** 08 9278 2571

E. mail@quantumassurance.com.au **W.** www.quantumassurance.com.au

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Executive Summary

Background

Electricity, gas and water providers in Western Australia are required by their licence conditions, issued by the Economic Regulation Authority (**ERA**) to be members of an approved external dispute resolution scheme. The approved scheme in Western Australia is the Energy and Water Ombudsman Scheme (**Scheme**). The Scheme consists of:

- A company limited by guarantee, Energy and Water Ombudsman (Western Australia) Limited, governed by a Board of Directors. The Board comprises seven directors - an independent chair, three customer representative directors, a gas industry representative director, an electricity industry representative director and a water industry representative director;
- Members of the Scheme, which are electricity, gas and water providers; and
- The office of the Energy and Water Ombudsman Western Australia (**EWOWA**), which receives, investigates, resolves, or facilitates the resolution of complaints and disputes between residential and small business customers and Members.

The Western Australian Ombudsman has entered into an agreement with EWOWA Board to serve as the Energy and Water Ombudsman. EWOWA utilises the Ombudsman's staff to run the Scheme.

One of the legislative objectives of the Scheme is that “the Scheme will satisfy best practice benchmarks for schemes of a similar kind both in terms of its constitution and procedure and in terms of its day to day operations”. These benchmarks are the *Benchmarks for Industry-based Customer Dispute Resolution* (**National Benchmarks**) published by the Australian Government (The Treasury). The National Benchmarks establish key practices in the areas of:

- Accessibility
- Independence
- Fairness
- Accountability
- Efficiency
- Effectiveness.

Under the relevant regulations¹ and EWOWA Constitution (clause 24), the Board must review the Scheme at least once every five years. The Scheme was previously reviewed in 2018.

This report of the 2023 Statutory Review of Energy and Water Ombudsman Western Australia (**2023 Review**) is required to be provided to the ERA, as well as Members, and may be provided to the public by the ERA.

EWOWA is also recognised by the Australian Information Commissioner (**Commissioner**) as an external dispute resolution (**EDR**) scheme that can handle privacy-related complaints in accordance with guidelines issued by the Commissioner. The report of this independent review will be provided to the Commissioner as required by these guidelines.

Objective

The objective of the 2023 Review was to provide an independent review of the operation of the Scheme which includes the following:

- a) As required by clause 24 of the Constitution of the Energy and Water Ombudsman (Western Australia) Limited (**Constitution**), an assessment of the Scheme against the objectives of the Scheme (as set out in relevant Western Australian legislation).

¹ Regulation 9, *Electricity Industry (Ombudsman Scheme) Regulations 2005*; regulation 8, *Energy Coordination (Ombudsman Scheme) Regulations 2004*; section 18(2), *Water Services Regulations 2013*.

- b) In accordance with section 35A(3)(b) of the *Privacy Act 1988* (Commonwealth) (**Privacy Act**) and consistent with Part 4 of the *Guidelines for recognising external dispute resolution schemes* provided by the Office of the Australian Information Commissioner (**OAIC Guidelines**), the assessment of the Scheme will include an assessment of the ongoing ability of the Scheme, in relation to privacy complaints that are also within the jurisdiction of the Scheme, to satisfy the matters below. These aspects of the review will be reported directly to the Commissioner.
- The matters the Commissioner must take into account when recognising the Scheme as outlined in Parts 2 and 3 of the OAIC Guidelines; and
 - The conditions of the Scheme's recognition as outlined in Part 4 of the OAIC Guidelines.
- This includes an assessment of how satisfied individuals and Scheme members are with the operation of the Scheme.
- c) In order to conduct the assessments under (a) and (b), an assessment against the National Benchmarks and the related *Key Practices for Industry-Based Customer Dispute Resolution*.
- d) Assessment of implementation of recommendations from 2018 Review of the Scheme.
- e) Assessment of, and advice regarding, the level of remuneration for Directors.

Conclusion

The 2023 Review concluded that the Energy and Water Ombudsman (Western Australia) meets the National Benchmarks and better practices for corporate governance. There have been significant improvements since the 2018 Review and there is a high level of satisfaction of Members, complainants and community/consumer representative organisations with the Scheme and its operations. All Directors of the Board agreed that the EWOWA has effective governance, compliance and reporting and effectively performs its functions.

The 2023 Review has identified further areas where continued improvements can be made to EWOWA's operations as noted in this report.

Key Findings

Previous Review

The 2023 Review confirmed that 15 out of 18 recommendations from the previous 2018 Review have been implemented and 3 recommendations are in progress. Those in progress relate to:

- Continue to improve the tracking of demographic information and to assess whether communication strategies can be more effectively targeted, such as in complainant surveys.
- As planned, EWOWA should do ongoing surveys of complainants, Members and consumer representative groups after the 2023 Review and report the results at least annually to the Board (and in the Annual Report).
- The Board supports the reconsideration of the wording in the confidentiality clause of the Scheme Charter but that this be undertaken at a time, in due course, when the Charter is being reviewed for other reasons.

The Review confirmed that appropriate action is in progress for these recommendations.

Accessibility

The 2023 Review found that EWOWA is readily available to consumers and promotes its services through a range of media and mechanisms, including EWOWA website, promotional print and email materials, webinars, distribution of information to consumer and community groups, participation in various events in the Metropolitan area and participation in the Regional Awareness and Accessibility Program in Western Australia's regions.

The 2023 survey of Community/Consumer Representative Organisations (**CROs**) found that 53% agree or strongly agree that EWOWA effectively promotes itself compared with 26% in the 2018 survey which is a substantial improvement. A further 32% were unable to judge and 16% disagreed or strongly disagreed. The majority of CROs surveyed who provided comment on suggestions for EWOWA's promotional methods stated social media should be used to increase awareness of EWOWA.

In the 2023 survey, 100% of Members agreed or strongly agreed that the Member supplied details of EWOWA on both their customer payment advice (bill) and their website which is an improvement from 80% in the 2018 survey.

In the 2023 survey, 57% of complainants found EWOWA contact details from the Internet compared with 25% in the 2018 survey. This is a large increase in the use of the Internet to access and search for EWOWA contact details. It also reflects the improvements in the website since the previous 2018 Review. Further improvements can be made to the website and the printed publications to promote accessibility and understanding of the EWOWA. The tracking of demographics can also be improved to ensure that under-represented complainant groups have good accessibility to EWOWA.

Independence

Our surveys of Members, complainants and community/consumer organisation representatives also confirmed that all groups considered the decision-making process and administration of the Scheme are independent from Scheme Members. Independence is also supported by the composition of the Board, including equal numbers of industry and consumer-representative Directors.

In the 2023 survey, 88% of CROs surveyed (100% of those able to judge) agreed or strongly agreed EWOWA is independent compared with 91% of CROs able to judge in the 2018 survey.

In the 2023 survey, 72% of Members surveyed (83% of those able to judge) agreed or strongly agreed that EWOWA was impartial when handling complaints compared with 77% of Members able to judge in the 2018 survey.

47% of all complainants surveyed (79% of those able to judge) agreed or strongly agreed that EWOWA is independent compared to 85% of complainants able to judge in the 2018 survey.

In the 2023 survey, all CROs surveyed who were able to judge, agreed or strongly agreed that EWOWA maintains confidentiality and less than 12% of all complainant groups disagreed that EWOWA maintains confidentiality. No comments indicated disclosure to a third party.

These results are at a satisfactory level but indicate there should be a continuing focus on promoting the EWOWA's independence and conducting regular surveys of complainants as planned by EWOWA.

Fairness

The Review found that the procedures and decision-making of the Scheme are fair and seen to be fair. Examination of a sample of 30 case files found that the complaints handling and investigation processes are fair and well documented. There is a comprehensive procedures framework with guidance notes, instructions and templates that is consistently applied and documented.

In the 2023 Review, Members, CROs and complainant groups were asked the extent to which they agree that EWOWA's acted fairly when managing the complaint.

All Members able to judge agreed or strongly agreed that the complaint was managed fairly, compared to 76% of Members able to judge in the 2018 survey.

All CROs able to judge agreed or strongly agreed that the complaint was managed fairly, compared to 81% of CROs able to judge in the 2018 survey.

Of the Stage 1&2 complainants able to judge, 52% agreed or strongly agreed that the complaint was managed fairly and 19% were unable to judge. Of the Facilitated Resolution and Investigated complainants, 66% disagreed or strongly disagreed that the complaint was managed fairly and 6%

were unable to judge. Again, this could be attributed to the overall satisfaction with the outcome of the complaints recorded by this group of complainants.

We also reviewed a sample of 30 case files relating to complaints made to EWOWA in 2022 (including complaints closed at each Stage and across different outcomes) to confirm the Key Practices for Industry-based Customer Dispute Resolution were applied and to form our own view of the fairness of the complaint handling process.

Further improvements can be made to the feedback mechanisms from CROs and complainants to monitor the effectiveness of ongoing process improvements and to promote the awareness of the impartiality of EWOWA.

Accountability

The 2023 Review found that EWOWA provides accountability and publicly reports about the Scheme through its website, Annual Report, reporting to Members (monthly and annually) and reporting to ERA and ERACCC. The website makes available to complainants and other interested parties, information about how to make a complaint, the types of complaints handled, the complaint handling process and any trends or systemic issues or themes.

The Deputy Ombudsman and EWOWA staff have regular meetings with Members with high complaint volumes and monthly reports are provided to Members on their complaints. This process closes the feedback loop and allows Members to improve their consumer service and internal dispute resolution processes from the insights gained by EWOWA.

Efficiency

The Review concluded that EWOWA's complaint handling practices are generally very good, achieving timely outcomes and performing a thorough analysis of the complaint. Examination of a sample of case files found that the complaints handling, and investigation processes are efficient, fair and well documented. EWOWA has made numerous improvements since the 2018 Review and there is a comprehensive procedures framework with guidance notes, instructions and templates that is documented, consistently applied and reported to the Board in Key Performance Indicators.

In the 2023 survey, 72% of Members (83% of those able to judge) strongly agreed or agreed that EWOWA's complaint handling process was timely which is an improvement on the 2018 survey result of 71% of Members able to judge. All CROs able to judge agreed or strongly agreed that EWOWA provides a timely complaints process.

In the 2023 survey, of those complainants able to judge, 70% of Stage 1&2 and 36% of Facilitated Resolution and Investigation complainants agreed or strongly agreed that EWOWA resolved complaints in a reasonable timeframe, compared to 80% of all complainants able to judge in the 2018 survey.

Whilst 64% of Facilitated Resolution and Investigation complainants able to judge, disagreed or strongly disagreed that EWOWA's complaint handling process was timely, this disagreement could be attributed to the additional time required for Facilitated Resolution and Investigations. Examination of the case files showed that complaints were actioned by EWOWA in a timely manner.

From available public information, EWOWA's timeliness is comparable to most other energy and water ombudsman schemes across Australia for complaints to be resolved or finalised.

Effectiveness

The Review concluded that EWOWA's complaint handling practices are effective and include satisfactory arrangements to deal with complaints and disputes and Members have agreed to be bound by the decisions of EWOWA. Examination of a sample of case files found that the complaints handling, and investigation processes are effective and well documented. EWOWA has made numerous improvements since the 2018 Review and there is a comprehensive procedures framework with guidance notes, instructions and templates that is consistently applied and documented.

94% of CROs stated they were somewhat likely, likely or very likely to promote the services of EWOWA. For complainants, 73% of Stage 1&2 and 34% of Facilitated Resolution and Investigation complainants stated they were somewhat likely, likely or very likely to promote EWOWA services. The low response for Facilitated Resolution and Investigated Complaints is biased by satisfaction with the outcome as discussed previously. This question was not asked in the 2018 survey.

We reviewed the reports being provided to each quarterly meeting of the Board and noted the reports are very comprehensive. A minor improvement is to provide an overview of the quarterly report by the Ombudsman to the Board.

The Review also noted that EWOWA is monitoring potential changes to its jurisdiction arising from the Energy Policy WA's Energy Transformation Strategy.

Directors Fees

From discussion with Board members and EWOWA, the Review concluded that the current fees paid to the Chair and three community/consumer representative Directors are fair and reasonable and there is a reasonable process for linking increases to increases in salaries for the public sector set by the Salaries and Allowances Tribunal. It would also be useful to compare the EWOWA Directors fees to the Director fees for similar energy and water ombudsmen in other States/Territories. This information is not publicly available but may be able to be obtained directly by the EWOWA Chairperson.

Recommendations

The 2023 Review made 13 recommendations as follows:

Accessibility

1. EWOWA should continue communicating with CROs via current promotional activities with more focus on the optimisation of social media.
2. Members should be reminded to ensure dissatisfied consumers are notified of their internal complaints process and that Members are required to notify complainants of their right to have the complaint referred to EWOWA when a complaint has not been resolved internally in a manner acceptable to the consumer. Members should be encouraged to consider if providing EWOWA's freecall number (as regulated), but along with EWOWA's website details would be more effective.
3. It is recommended that EWOWA website content is continually reviewed as an ongoing function by EWOWA to maintain effective Search Engine Optimisation (SEO) with good ranking results, and to continue to increase the website's ranking. This includes responding to, or preparing for changes in technology, and changes within internal and external environments (e.g., new Members, changed jurisdiction, etc.).
4. EWOWA to review its hard copy publications with consideration given to the readability score and format of each publication for: a) ease of use and b) other recommendations in this Review.
5. EWOWA should continue to track demographic information and in particular, to assess whether current or improved communication strategies targeted at awareness of people with disabilities, people under 35 years of age, and metropolitan versus regional complainants, are effective.

Independence

6. EWOWA to review how independence is described and/or displayed in EWOWA's promotional materials (all online and print media).
7. EWOWA Board to consider appropriate wording for the confidentiality clause in the Charter when the Charter is reviewed and adjusted for new jurisdiction purposes.
8. EWOWA to review its promotion to consumers about the confidentiality of information for the purpose of resolving complaints, and where relevant, confidentiality to be emphasised and/or included in all new and existing promotional and workshop activities.

Fairness

9. Rather than conducting periodic surveys of complainants, EWOWA to implement an automated feedback mechanism to survey complainants after a set period after closing their complaint. The feedback data should be collated in a 6 or 12 monthly feedback cycle, with the results to be reviewed and reported at the end of each cycle and shared with all appropriate stakeholders
10. Where not currently available, EWOWA to plan and design feedback mechanisms appropriate for webinars, training and presentations provided by EWOWA and incorporate in the 6 or 12 monthly feedback cycle.

Accountability

No recommendations.

Efficiency

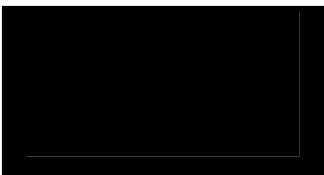
11. Where complaints are deemed by EWOWA and/or EWOWA complaints handling staff to be related, for any reason, cases should be linked via the linkage mechanism in Resolve (as currently occurs for larger clusters) to ensure Resolve summary notes and manual filing processes are not wholly relied upon to identify related cases.

Effectiveness

12. The Board reporting by EWOWA could be further improved by providing a 1 or 2 page summary of the key findings and trends in the monthly analysis of complaints processing and Key Performance Indicators.
13. EWOWA to continue to monitor and prepare for potential changes to jurisdiction arising from the Alternative Electricity Services regulatory framework which may significantly increase the number of Members of the Scheme and the number of complaints due to the inclusion of providers of alternative electricity services, not previously captured in the Scheme.

We appreciate the assistance of EWOWA Board and staff members, the Scheme Members, Community/Consumer Representatives and all Complainants who participated in the 2023 Review and surveys.

QUANTUM ASSURANCE



**GEOFF WHITE
DIRECTOR**

26 September 2023

1. Introduction

1.1 Background

Electricity, gas and water providers in Western Australia are required by their licence conditions, issued by the Economic Regulation Authority (**ERA**), to be members of an approved external dispute resolution scheme. The approved scheme in Western Australia is the Energy and Water Ombudsman Scheme (**the Scheme**). The Energy and Water Ombudsman Western Australia is also recognised by the Australian Information Commissioner as an external dispute resolution (**EDR**) scheme that can handle privacy-related complaints that are also within the jurisdiction of the Scheme. The Scheme consists of:

- A company limited by guarantee, Energy and Water Ombudsman (Western Australia) Limited, governed by a Board of Directors (**Board**). The Board comprises seven directors: an independent chair, three consumer representative directors, a gas industry representative director, an electricity industry representative director and a water industry representative director.
- Members of the Scheme, which are electricity, gas and water providers (**Members**); and
- The office of the Energy and Water Ombudsman Western Australia (**EWOWA**), which receives, investigates, resolves, or facilitates the resolution of complaints and disputes between residential and small business consumers and members.

Pursuant to section 34 of the *Parliamentary Commissioner Act 1971*, the Western Australian Ombudsman (**Ombudsman WA**) has entered into an agreement with EWOWA Board to serve as the Energy and Water Ombudsman, utilising the Ombudsman's staff in the operation of the Scheme.

The Scheme is governed by the relevant legislation² and in accordance with the *Charter of Energy and Water Ombudsman (Western Australia) Limited, November 2013* (**Charter**) and the *Energy and Water Ombudsman (Western Australia) Limited Constitution, November 2015* (**Constitution**).

The legislative objectives of the Scheme are set out in the legislation³ as listed in **Appendix A**.

One of the legislative objectives of the Scheme is that “the Scheme will satisfy best practice benchmarks for schemes of a similar kind both in terms of its constitution and procedure and in terms of its day-to-day operations”. These benchmarks are the *Benchmarks for Industry-based Consumer Dispute Resolution* published by the Australian Government (The Treasury) in two parts: *Benchmarks for Industry-Based Consumer Dispute Resolution: Principles and Purposes*; and *Key Practices for Industry-Based Consumer Dispute Resolution – February 2015* (**National Benchmarks**). Other energy and water ombudsmen in Australia typically assess their schemes against the National Benchmarks.

The National Benchmarks establish key practices in the areas of:

- Accessibility
- Independence
- Fairness
- Accountability
- Efficiency
- Effectiveness.

Under the relevant regulations⁴ (**Regulations**) and EWOWA Constitution (clause 24), the Board must review the Scheme at least once every five years. The report is due to the ERA by 30 September 2023. The Scheme was previously reviewed in 2018.

² *Energy Coordination Act 1994; Electricity Industry Act 2004; Water Services Act 2012.*

³ *Schedule 2B, Energy Coordination Act 1994; Schedule 2, Electricity Industry Act 2004; section 66(2), Water Services Act 2012.*

⁴ *Regulation 9, Electricity Industry (Ombudsman Scheme) Regulations 2005; regulation 8, Energy Coordination (Ombudsman Scheme) Regulations 2004; section 18(2), Water Services Regulations 2013.*

EWOWA is also recognised by the Australian Information Commissioner (**Commissioner**) as an external dispute resolution (**EDR**) scheme that can handle privacy-related complaints in accordance with guidelines issued by the Commissioner. The report of this independent review will be provided to the Commissioner as required by these guidelines.

1.2 Objectives

The objective was to provide an independent review of the operation of the Scheme which includes the following:

- a) As required by clause 24 of the Constitution of the Energy and Water Ombudsman (Western Australia) Limited (**Constitution**), an assessment of the Scheme against the objectives of the Scheme (as set out in relevant Western Australian legislation). Refer **Appendix A** for details of the objectives.
- b) In accordance with section 35A(3)(b) of the *Privacy Act 1988* (Commonwealth) and consistent with Part 4 of the *Guidelines for recognising external dispute resolution schemes* provided by the Office of the Australian Information Commissioner (**OAIC Guidelines**), the assessment of the Scheme will include an assessment of the ongoing ability of the Scheme, in relation to privacy complaints that are also within the jurisdiction of the Scheme, to satisfy the matters below. These aspects of the review will be reported directly to the Commissioner.
 - The matters the Commissioner must take into account when recognising the Scheme as outlined in Parts 2 and 3 of the OAIC Guidelines; and
 - The conditions of the Scheme's recognition as outlined in Part 4 of the OAIC Guidelines.

This includes an assessment of how satisfied individuals and Scheme members are with the operation of the Scheme.

- c) Assessment of implementation of recommendations from the 2018 Review of the Scheme; and
- d) Assessment of, and advice regarding, the level of remuneration for Directors.

1.3 Methodology

This Review has been conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing*.

The 2023 Review included:

- a) Interviews with the Chair and Directors of the Board, and the Deputy Energy and Water Ombudsman and Director Energy and Water.
- b) A review of the status of the recommendations from the 2018 Energy and Water Ombudsman (WA) Review.
- c) A review of EWOWA's operations, including internal documents, public documents, website, and analysis of data and statistics relating to complaints handled by EWOWA, including an assessment against the legislative objectives and the National Benchmarks
- d) A detailed review of a sample of 30 case files relating to complaints made to EWOWA in 2022, including assessment against the legislative objectives and the National Benchmarks.
- e) Surveys of key stakeholders including:
 - An online survey of Members of the Scheme and a call for, and consideration of any, written submissions from members of the Scheme. 10 out of 32 members (31%) responded to the survey, including 4 Electricity, 3 Gas and 6 Water members. This is a reasonable response as many others are small providers with no complaints referred by customers during the past year.

- An online survey of a sample of non-government CROs and other relevant stakeholder organisations. A sample of 31 stakeholders responded to the survey out of approximately 450 organisations who were sent the survey request (7%). This is a reasonable response as many CROs would not have had contact from consumers requiring referral to EWOWA.
 - An online survey and a telephone survey of 1,664 complainants who made a complaint to EWOWA in 2022 to which 142 complainants responded, including 31 by telephone and 108 online (9%).
 - Comparison of survey responses with 2018 Review responses where questions could be compared.
- f) Review of the level of remuneration for Directors.

1.4 Terminology

1. EWOWA - Energy and Water Ombudsman Western Australia.
2. Member (or Scheme Member) - Energy or water service provider that is a Member of the company, Energy and Water Ombudsman (Western Australia) Limited.
3. CRO - Community and/or a Consumer Representative Organisation.
4. ERA - Economic Regulation Authority.
5. ERACCC - Economic Regulation Authority Consumer Consultative Committee.
6. OAIC or Commissioner - Office of the Australian Information Commissioner.
7. Complainant – Includes customers with a complaint at Stage 1, Stage 2, Facilitated Resolution stage and/or Investigated Complaint stage.
8. Stage 1 Complaint – A complaint by a customer who has not yet contacted their energy or water services provider (Member of the scheme) and so a referral is provided for the customer to contact the Member.
9. Stage 2 Complaint – A complaint by a customer who has had at least one contact with their energy or water services provider (Member), but resolution has not been achieved, so EWOWA makes a referral to a 'higher level' officer for the Member for resolution within 10 business days.
10. Facilitated Resolution – A complaint where a customer comes back to EWOWA because it has not been resolved by the Member's higher level officer. EWOWA may attempt to facilitate a resolution between the customer and Member before commencing an investigation. The Member is allowed a further two days to try to resolve the complaint and EWOWA works with both the customer and the Member to facilitate a resolution.
11. Investigated Complaint - A complaint where a customer comes back to EWOWA because it has not been resolved by the Member's higher level officer. Where a Facilitated Resolution cannot be achieved, EWOWA obtains relevant documents from the Member and undertakes its own assessment of the merits of the complaint and, where applicable, what resolution is appropriate.

1.5 Acknowledgements

We appreciate the assistance of EWOWA Board and staff members, the Scheme Members, Community/Consumer Representatives and all Complainants who participated in the 2023 Review and surveys.

2. Status of 2018 EOWA Review Recommendations

The 2023 Review confirmed that 15 out of 18 recommendations from the 2018 Review have been implemented and three recommendations are in progress. The status of the recommendations is provided below.

2018 Review Recommendation	Status at this Review
1. Members should be reminded to ensure dissatisfied consumers are notified of their internal complaints process and that Members are required to notify complainants of their right to have the complaint referred to EOWA when a complaint has not been resolved internally in a manner acceptable to the consumer.	<p>Implemented</p> <p>EOWA specifically raised this recommendation and Members' licence obligations in the cover letter to Members when the Review Report was distributed to Members on 19 December 2018.</p> <p>The Board Annual Overview reports (renamed Consumer Report) since 2017/18 have included statistics on how complainants heard about EOWA, to monitor the proportion of complainants who tell EOWA that they received information about EOWA from Members.</p>
2. EOWA should continue communicating with consumer representative groups via periodical (at least biannually) updates via email and annual mail outs of information packs. This could include an option for organisations to indicate their preferred method of communication and to "opt in" to printed material.	<p>Implemented</p> <p>Outreach to consumer organisations commenced in November 2017, with an email distribution of material to over 245 organisations. Further email distribution occurred in December 2018, February 2020 and December 2020 to over 300 organisations.</p> <p>In December 2021, the distribution expanded to over 470 organisations and further distribution was made in November 2022. The emails provide news and invited organisations to request printed material, and this was provided on request.</p> <p>Targeted information is sent to organisations about regional visits, and organisations are visited during the visit.</p> <p>Webinars were also held for service providers in May 2021 and in July 2022.</p>
3. EOWA should continue to track demographic information and to assess whether communication strategies targeted at "middle income households" (\$50,000 to \$100,000) should be one of the targeted demographics.	<p>In progress</p> <p>Demographics of complainants continue to be reported to the Board in the annual Consumer Report (formerly Annual Overview). The Income question was included in this EOWA 2023 Review.</p> <p>Future surveys of complainants will include a question about income.</p> <p>Refer recommendation 5/2023.</p>
4. EOWA should continue awareness building initiatives with a focus of raising awareness of consumer representative organisations who work with people with a disability and those under 34 years.	<p>Implemented</p> <p>Consumer representative organisations that work with people with disability and those under 34 are specifically targeted in the email distribution list for mailouts of information and for information about regional visits.</p>
5. EOWA should redesign the website with an engaging format, have the Freecall phone number and online complaint form link on the home page, increase the range and type of information such as fact sheets, topic pages and case studies, incorporate modern website features to outline the process simply and clearly for making a complaint to EOWA.	<p>Implemented</p> <p>The new website was launched in December 2020. The website includes the Freecall number and a Make Your Complaint button link prominently in the header of the site and accessible from all pages. The website includes expanded information with case studies, statistics, translations and links to other complaint handling agencies. The website includes a new interactive complaint form.</p> <p>The ongoing cost of the website is included in annual budgets of the Energy and Water Ombudsman.</p> <p>The website improvement is professional and engaging.</p>

2018 Review Recommendation	Status at this Review
6. EWOWA should consider utilising social media platforms for promotion and awareness building, taking into consideration the resources available in a small organisation.	<p>Implemented</p> <p>The Board approved that research into social media would occur following the launch of the new website. Following the launch of the website in December 2020, this research was conducted.</p> <p>In August 2022, the Board approved that a Facebook page be established. The Facebook page has now been established.</p>
7. Based on the outcome of recommendations 5 and 6, consideration should be given to ensuring EWOWA annual budget includes provision for one off funding for the refresh of EWOWA website and ongoing funding for maintenance and updates of the website and regular promotion and monitoring on social media, to promote access to and understanding of EWOWA's services	<p>Implemented</p> <p>In August 2019, the Board approved a budget of up to \$60,000 to develop a new EWOWA website, for one-off development costs and ongoing costs for the first year. The new website was launched in December 2020.</p> <p>In August 2022, the Board approved that a Facebook page be established. The Facebook page has now been established.</p> <p>Ongoing funding requirements are incorporated into EWOWA's Business Plan and Budgets each year.</p>
8. As planned and to maintain a balanced Board, EWOWA should seek consumer advocacy experience when seeking applications for two Consumer Representative Directors to be recruited by November 2018.	<p>Implemented</p> <p>The recruitment of Directors in 2018 and 2020 sought consumer advocacy experience in the criteria for the role and this was actively considered by the panel during the recruitment process. The next recruitment of a Consumer Representative Director will be in 2024 (subject to no early retirement of incumbents) and will specifically consider consumer advocacy experience during the recruitment process.</p>
9. EWOWA should reissue the Funding Model and Substantial Breach Guidance Notes to Members.	<p>Implemented</p> <p>EWOWA reissued the Funding Model and Substantial Breach Guidance Notes to Members when the Review Report was distributed to Members on 19 December 2018. The Funding Model Guidance Note was amended and reissued in September 2019 as set out in Recommendation 10 below.</p>
10. EWOWA should develop and issue a Guidance Note to Members on the charging methodology, including estimated time and cost for each stage, escalation triggers and the level of service provided.	<p>Implemented</p> <p>The Funding Model Guidance Note was amended to include information about the charging methodology, stages of the complaint process, escalation triggers, expectations of Members at each stage, involvement of EWOWA at each stage and estimated timeframes.</p> <p>The amended Guidance Note was provided for the Board's information at its February 2019 meeting and circulated to Members in September 2019.</p>
11. As planned, EWOWA should do surveys of complainants, Members and consumer representative groups at least annually after the 2018 Review and report the results to the Board (and in the Annual Report).	<p>In progress</p> <p>Surveys were conducted for the 2018 Review in January to March 2018. The Board has approved future periodic surveys of complainants, members and consumer groups. The surveys will seek feedback on the services provided by EWOWA and include different questions for complaints at Stage 1 and Stage 2 to identify reasons for discontinuance.</p> <p>Research into the appropriate methodology and survey questions was conducted, and the Board provided feedback on the proposed survey questions in March 2020. Following consultation with the Chairperson about the questions and noting the proximity of the next statutory review in 2023, it was decided the next surveys would be conducted and tested by consultants as part of the 2023 statutory review of the Scheme. This has been completed.</p> <p>Refer recommendation 9/2023.</p>

2018 Review Recommendation	Status at this Review
12. EWOWA should publish guidance on the common types of complaints to outline the approach taken for common types of complaints and publish these on its website.	<p>Implemented</p> <p>EWOWA considered relevant guidance material for complainants for the new EWOWA website which was launched in December 2020.</p> <p>In April 2021, EWOWA benchmarked other Ombudsmen's websites for current practice, and in August 2022, the Board endorsed the Ombudsman's plan to expand the range of consumer information on the website, that is, a new page with links to consumer information published by other organisations. This new page was published in November 2022.</p> <p>Members are provided with guidance at the regular liaison meetings with Members that have large numbers of complaints. Research has commenced on appropriate guidelines for distribution to all Members.</p>
13. EWOWA should annually report to Members on its initiatives to assist Members to resolve complaints internally and reduce complaints and investigations to EWOWA.	<p>Implemented</p> <p>EWOWA has continued to provide targeted information to assist Members reduce complaints and investigations during its regular biannual or annual liaison meetings with Members with large numbers of complaints, to discuss complaint trends and issues.</p> <p>EWOWA has implemented a new report tailored to each Member as a supplement to the Annual Report. The first report for Members was provided in November 2020. Since then, in November each year, a report has been provided to each Member who had at least one complaint in the preceding financial year.</p>
14. EWOWA should provide Members with an annual overview of trends, themes and any systemic issues reported to the ERA, and consider publishing information regarding systemic issues arising from complaints in its Annual Report and separately on EWOWA website.	<p>Implemented</p> <p>EWOWA has implemented a new report tailored to each Member as a supplement to the Annual Report. The report includes trends in complaints, issues and investigations in comparison to other Members in their sector. The first annual report for Members was provided in November 2020.</p> <p>Since then, in November each year, a report has been provided to each Member who had at least one complaint in the preceding financial year.</p> <p>On its new website launched in December 2020, EWOWA currently reports statistics showing trends in complaints from the most recent Annual Report on a dedicated page and in an interactive format.</p>
15. EWOWA's website redesign should utilise opportunities to refer consumers back to their service provider where they have not already raised a complaint with them.	<p>Implemented</p> <p>The new website includes clear information about contacting the Member before complaining to EWOWA and the interactive online complaint form utilises interactive features to refer complainants back to the Member prior to lodging their complaint where they have not already done so.</p> <p>The website records the number of times the form does this referral, and this is reported to the Board in the annual Consumer Report.</p>
16. The Board should further consider the proposed amendments to EWOWA Charter, from Members, in relation to the use and disclosure of confidential information and the transfer of complaints between a retailer and a distributor.	<p>In progress</p> <p>EWOWA provided initial information to the Board at the time these matters were raised with the Board. In August 2021, the Board reaffirmed its position that it does not support amendments to change the Monetary Cap. In addition, the Board considers that current practice reflects confidentiality and the transfer of complaints between distributor and retailer.</p> <p>The Board supports the reconsideration of the wording in the confidentiality clause of the Charter but that this be undertaken at a time, in due course, when the Charter is being reviewed for other reasons, such as a new jurisdiction.</p> <p>Refer recommendation 7/2023.</p>

2018 Review Recommendation	Status at this Review
<p>17. As planned in the Board Governance Framework issued in February 2018, the following policies need to be developed to formalise practices in these areas:</p> <ul style="list-style-type: none"> • Board Risk Management Policy and Plan (including reporting to the Board); • Privacy Policy; and • Complaints Policy. 	<p>Implemented</p> <p>The Board Risk Management Policy, Risk Management Plan, Privacy Policy and Complaints Policy were provided to the Board in November 2018 and approved.</p> <p>An annual review of the Board Risk Management Plan was undertaken by the Board in May 2019, February 2020, February 2021 and February 2022 and is a regular item on the agenda for February Board meetings going forward</p>
<p>18. The Board should conduct a review of the usefulness of the existing reports provided to the Board with a view to focusing on the more strategic reporting and reducing the detailed reporting</p>	<p>Implemented</p> <p>An analysis of existing reports was undertaken and recommendations provided to the Board in May 2020. The Board accepted the recommendations for changes to reporting, which were implemented in August 2020.</p>

The 2023 Review observations on EWOWA's conformance with the National Benchmarks and the related Objectives of the Scheme are set out below.

3. Accessibility

The 2023 Review criteria are based on the National Benchmarks and OAIC Guidelines. Our observations and recommendations from this review for the Accessibility Benchmark are provided below.

National Benchmark 1: Accessibility

Principle: The scheme makes itself readily available to consumers by promoting knowledge of its services, being easy to use and having no cost barriers.

Purpose: To promote consumer access to the Scheme on an equitable basis.

Key practices: Awareness/Promotion, Access, Cost, Staff Assistance, Use, Acceptance by Office, Non-adversarial approach, Legal or other representation, Legal Proceedings.

Objectives

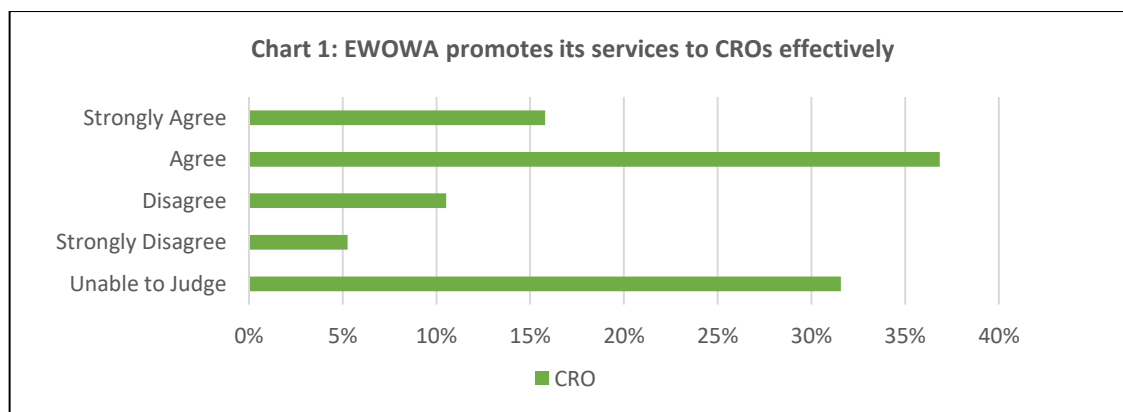
- The Scheme will promote its services.
- The Scheme will be accessible to consumers.
- The scheme will operate expeditiously and without cost to consumers.
- The Schemes decision making will be impartial and just.
- The scheme will satisfy best practice benchmarks for schemes of a similar kind, both in terms of its constitution and procedure, and also in terms of its day-to-day operations.

The Review found that EWOWA is readily available to consumers and promotes its services through a range of media and mechanisms, including EWOWA website, promotional print and email materials, webinars, distribution of information to consumer and community groups, participation in various events in the Metropolitan area and participation in the Regional Awareness and Accessibility Program in Western Australia's regions. There is no cost to complainants and the information that EWOWA's services are free are prominently displayed on the website and in publications.

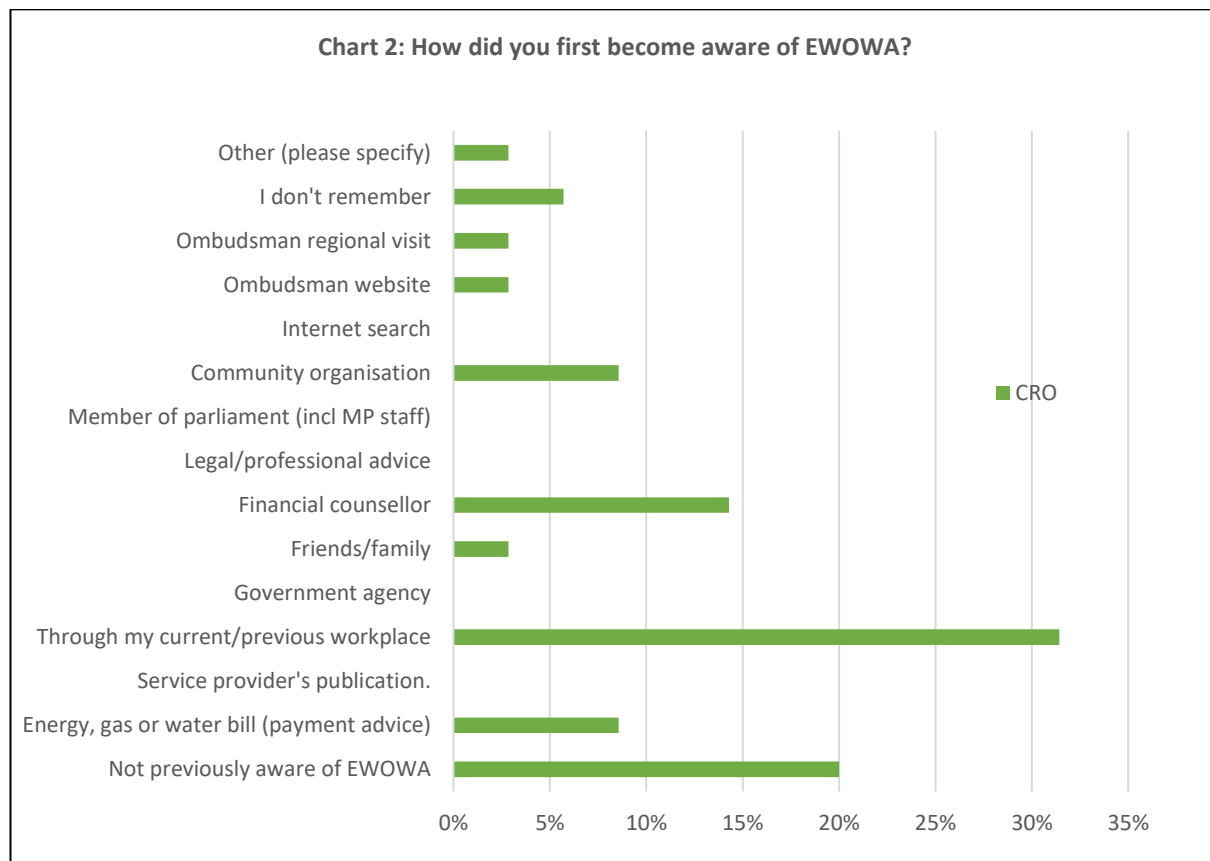
3.1 Promotion to Community/Consumer Representative Organisations

Community/Consumer Representative Organisations (CROs) have a key role in advising consumers of EWOWA's services and can act as a complainant referral mechanism. CROs and legal or financial advice organisations are an avenue for increasing accessibility for consumers from low income households due to their high exposure to these consumers.

The 2023 survey of CROs showed that 53% agree or strongly agree that EWOWA effectively promotes itself compared with 26% in the 2018 survey which is a substantial improvement. (Chart 1). A further 32% were unable to judge and 16% disagreed or strongly disagreed.

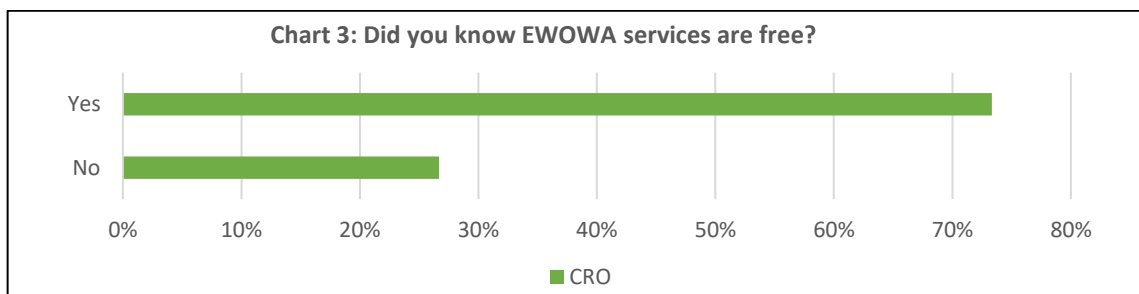


The 2023 survey found most CROs became aware of EWOWA through their workplace or a financial counsellor, with 20% stating they were not aware of EWOWA prior to receiving the survey request. **(Chart 2).**



The majority of CROs surveyed who provided comment on suggestions for EWOWA's promotional methods stated social media should be used to increase awareness of EWOWA. EWOWA should continue with the current promotional strategies for CROs to raise awareness further and to accommodate CRO turnover of staff, volume, and diversity of issues.

73% of CROs surveyed knew that EWOWA's services are free, which is a reasonable result considering many would not have had direct contact with complainants **(Chart 3).**



Recommendation 1 - EWOWA should continue communicating with CROs via current promotional activities with more focus on the optimisation of social media.

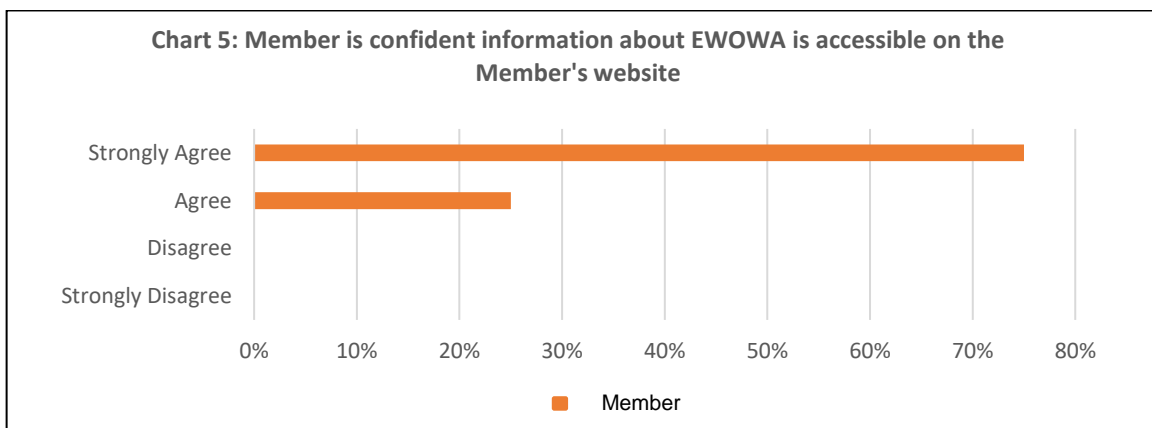
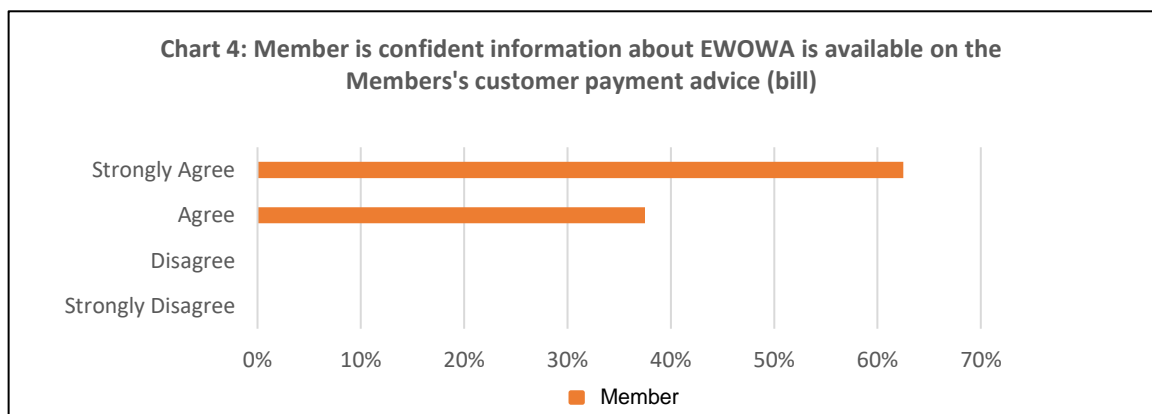
3.2 Members' Advice to Consumers and their Promotion of EWOWA

The Scheme requires consumers to contact their service provider (Member) with any complaint before they contact EWOWA. If the consumer (the complainant) contacts EWOWA first, they will be referred back to the service provider who has 10 days to respond to the consumer. Where a consumer's complaint has not been resolved internally by the Member to the consumer's satisfaction, the Member is required to inform the consumer of their right to raise the complaint with EWOWA and provide EWOWA's freecall number to the consumer.

This is required by the relevant Codes of Conduct for energy and water providers. Under the *Code of Conduct for the Supply of Electricity to Small Use Consumers 2022*, the *Compendium of Gas Customer License Obligations* and the *Water Services Code of Conduct (Customer Service Standards) 2018*, Members are required to:

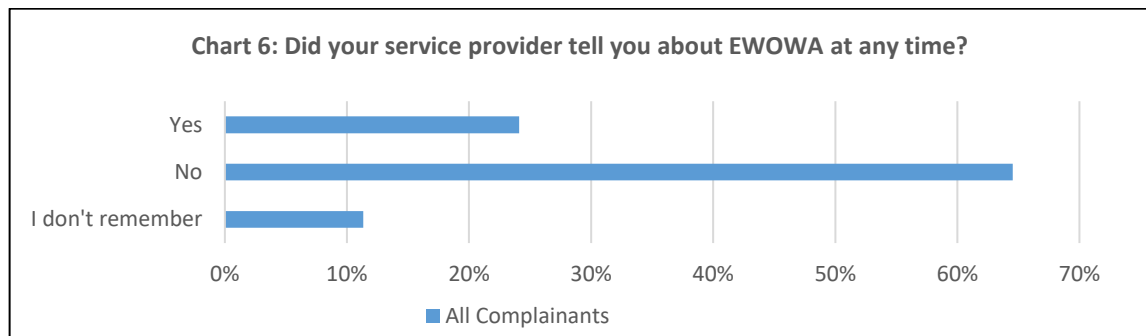
- Include the freecall details of EWOWA on consumers' bills.
- Include the freecall details of EWOWA on any disconnection notice.
- Give consumers, on request, information that will assist them to make a complaint.
- Advise consumers of the existence and operation of EWOWA following a bill review when the retailer is of the view the bill is correct; and
- Where a consumer's complaint has not been resolved internally by the Member to the consumer's satisfaction, inform the consumer of their right to raise their complaint with EWOWA, and provide EWOWA's Freecall phone number to the consumer.

In the 2023 survey, 100% of Members agreed or strongly agreed that the Member supplied details of EWOWA on both their customer payment advice (bill) and their website which is an improvement from 80% in the 2018 survey. (**Charts 4 & 5**)

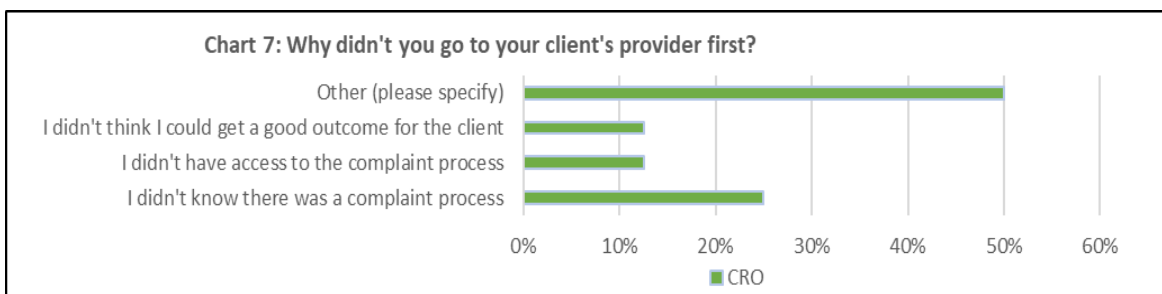


Complainants surveyed who had contacted their service provider before contacting EWOWA were asked whether the service provider (Member) told them about EWOWA. In the 2023 survey, 24%

of complainants advised their service provider told them about EWOWA compared with 17% in the 2018 survey which is a small improvement. **(Chart 6)**.



In the 2023 survey, 25% of the CROs were not aware of the provider's complaints process and 50% of CROs stated 'other' reasons for not going to their clients' provider first, although few of the qualitative responses received from CROs were applicable to the question. **(Chart 7)**



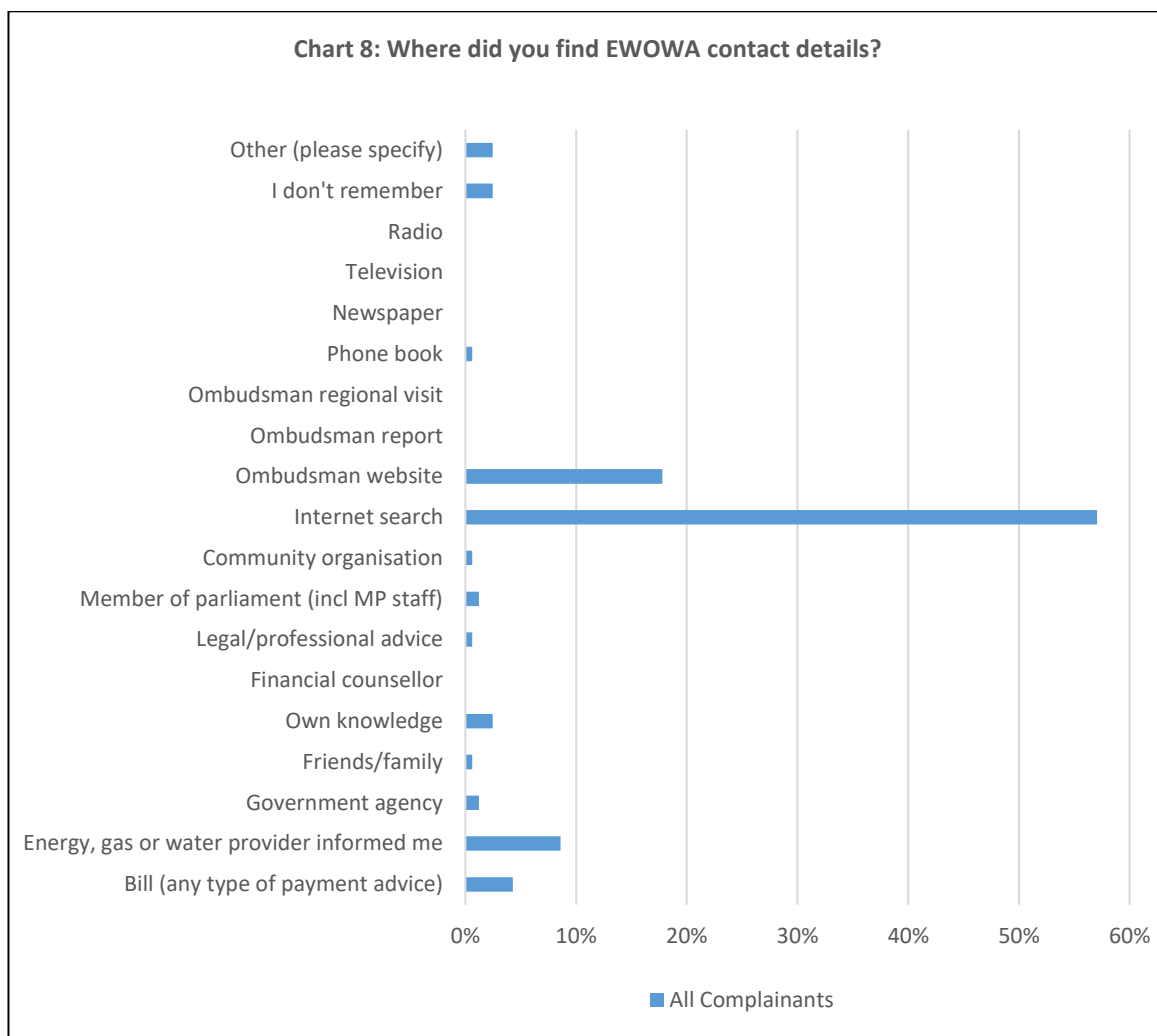
Recommendation 2 - Members should be reminded to ensure dissatisfied consumers are notified of their internal complaints process and that Members are required to notify complainants of their right to have the complaint referred to EWOWA when a complaint has not been resolved internally in a manner acceptable to the consumer. Members should be encouraged to consider if providing EWOWA's freecall number (as regulated), but along with EWOWA's website details would be more effective.

3.3 EWOWA Online

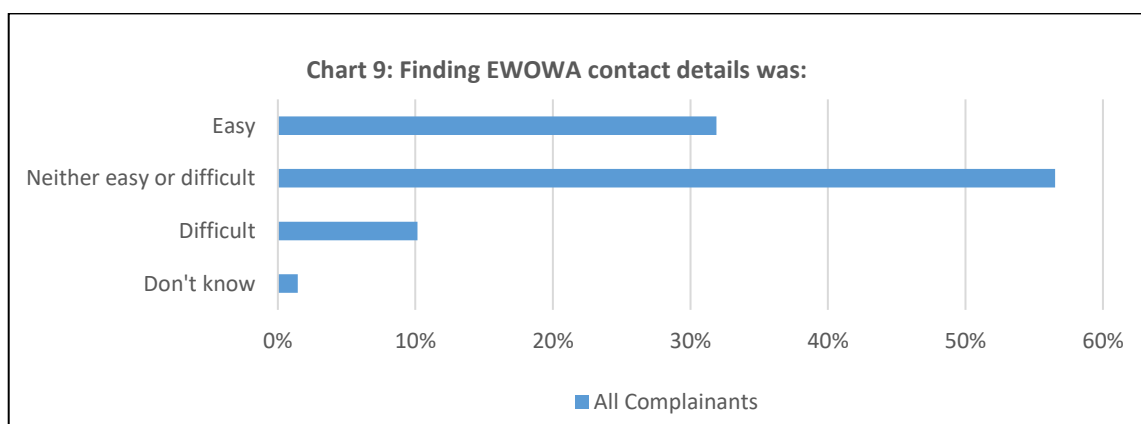
The updated and much improved EWOWA website is integral to raising awareness and promoting EWOWA services by providing guidance on, and access to the complaints process. EWOWA website's importance and effectiveness has increased and will continue to increase over time. Some minor improvements to the web content and link placement for ease of use and understanding were identified which EWOWA addressed during the review.

In the 2023 survey, 57% of complainants found EWOWA contact details from the Internet compared with 25% in the 2018 survey. This is a large increase in the use of the Internet to access and search for EWOWA contact details. **(Chart 8)**

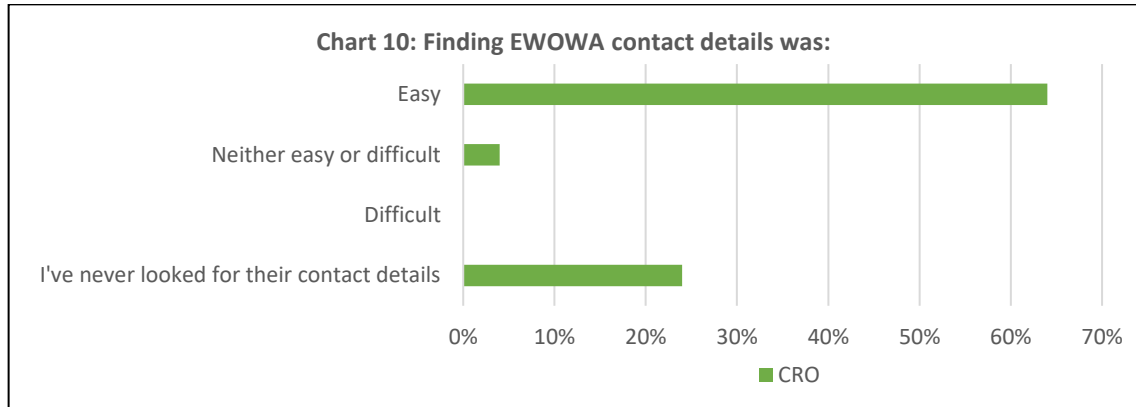
This increase could reflect the greater use of technology in the community but should also be viewed as being due to EWOWA's updated website's ease of use and usefulness, and EWOWA's website web content's effective Search Engine Optimisation (**SEO**). EWOWA's website's updated content and the relationship between search queries and the search results is performing well to assist each Internet search to find the relevant information published on EWOWA's website (web content), ranking EWOWA's website against similar websites.



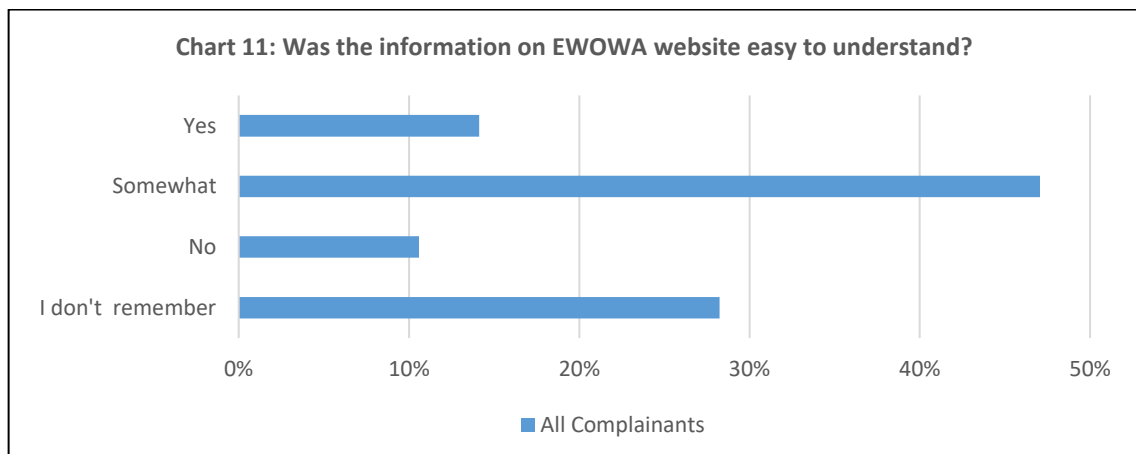
As such a large percentage of all respondents stated EWOWA contact details were found via the Internet or from EWOWA website direct, how easily the complainants and the CROs found the contact details on the website is also important. Only 10% of complainants stated that EWOWA's contact details were difficult to find which is a reasonable result. **(Chart 9)**



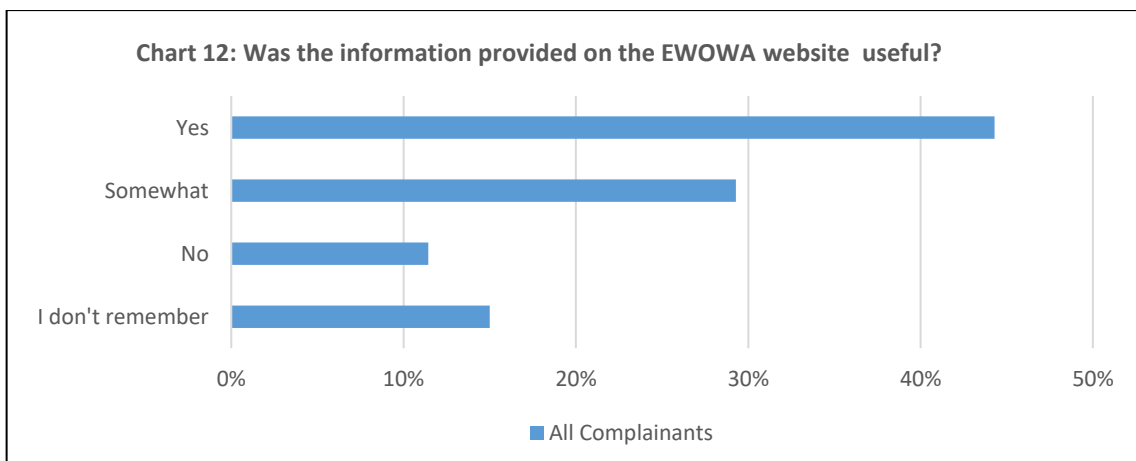
In the 2023 survey, 64% of CROs responded that EWOWA's contact details were easy to find and 24% had never looked for the contact details which is a good result. No CROs found it difficult to find EWOWA's contact details. **(Chart 10).**



EWOWA's website is providing somewhat satisfactory levels of understanding of EWOWA services for consumers, with 61% of complainants finding the website content was easy or somewhat easy to understand and 28% could not remember **(Chart 11).**



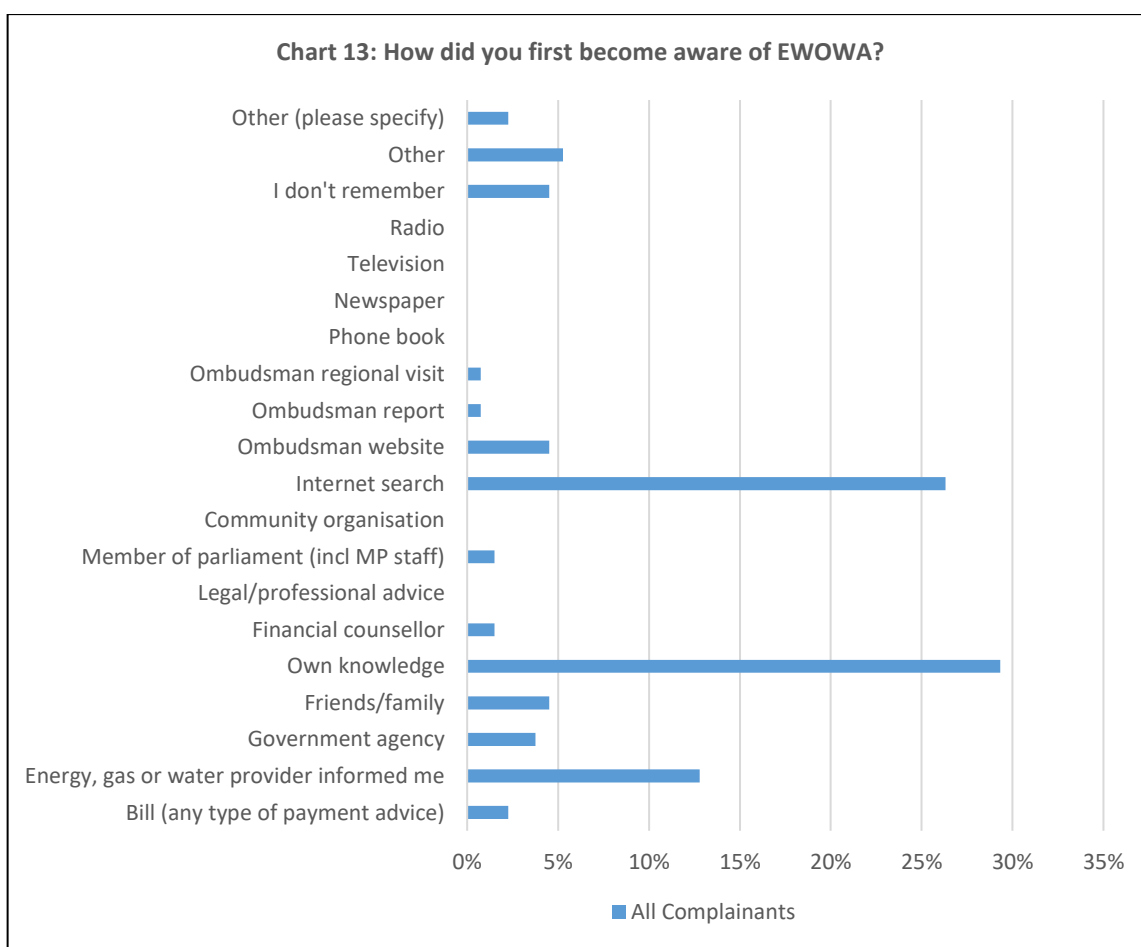
In the 2023 survey, 73% of complainants found EWOWA's website content was useful or somewhat useful and 15% could not remember. **(Chart 12).**



In addition to their websites, the New South Wales, Queensland and Victorian Energy and Water Ombudsman use Facebook and Twitter social media platforms to raise awareness and promote the availability of their services. Building and maintaining a social media presence requires ongoing resources. We note the size of these other State schemes provides economies of scale that allow resources to be dedicated to social media activities, which may be more difficult to accommodate given the size of EWOWA.

Whilst EWOWA has created a Facebook page since the 2018 Review, it is noted that activity and use of EWOWA page is minimal. The trend of growing importance of social media has continued since the 2018 Review, so the need to establish a larger and more effective social media presence is becoming more profound with time.

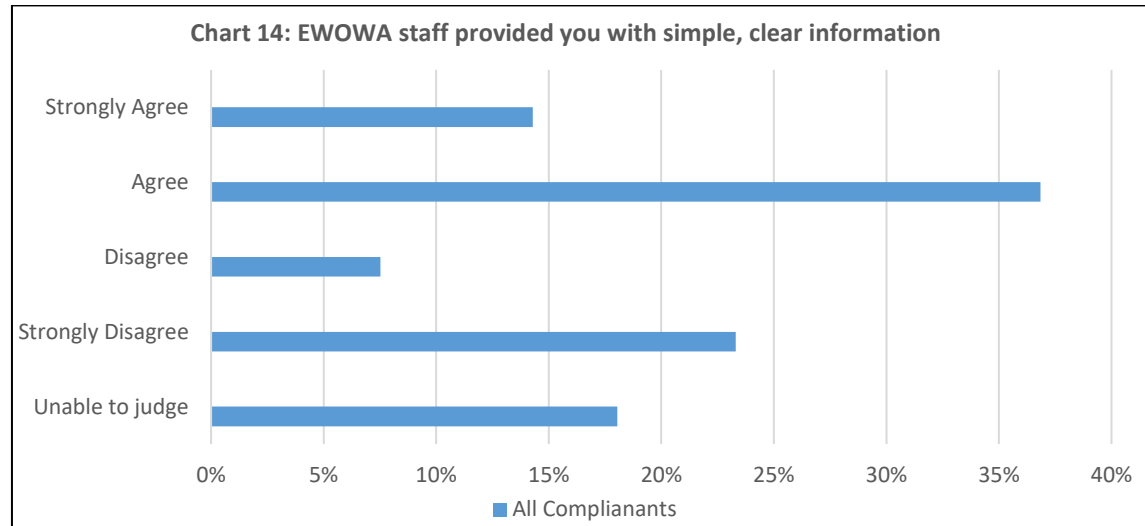
In the 2023 survey, 29% of complainants became aware of EWOWA from their own knowledge and 26% through Internet search, compared with 31% and 25% respectively in the 2018 survey which is a very similar result. **(Chart 13).**



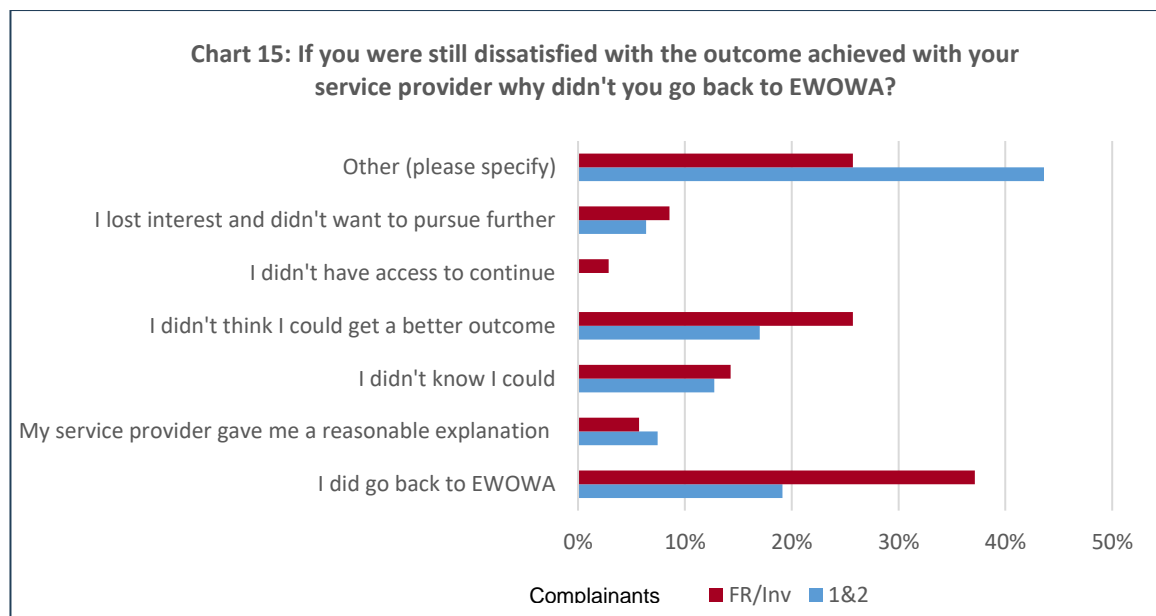
Recommendation 3 - It is recommended that EWOWA website content is continually reviewed as an ongoing function by EWOWA to maintain effective Search Engine Optimisation (SEO) and good ranking results, and to continue to increase the website's ranking, including responding to, or preparing for changes in technology, and changes within internal and external environments (e.g., new Members, changed jurisdiction, etc.).

3.4 EWOVA's Understandability

In the 2023 survey, 51% of complainants surveyed (62% of those able to judge) agreed or strongly agreed that EWOVA staff provided simple, clear information. **(Chart 14)**

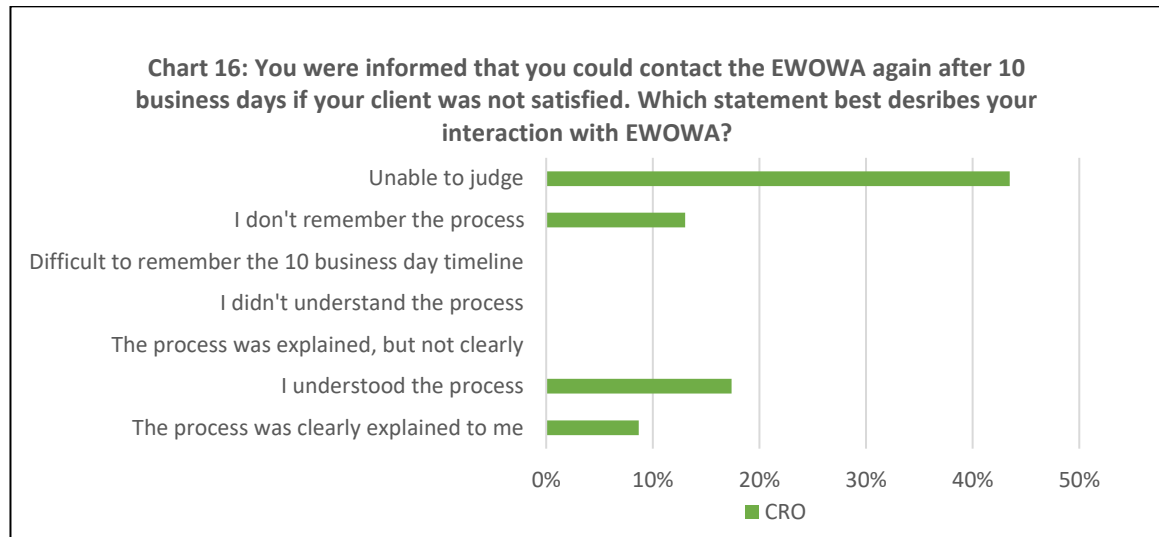


In the 2023 survey, complainants were asked why they did not come back to EWOVA if they were dissatisfied with the outcome achieved by their service provider. 19% of Stage 1&2 and 37% of Facilitated Resolution and Investigated Complaint complainants stated they did go back to EWOVA and 40 respondents provided comment on why they did not go back to EWOVA. Some favorable comments about EWOVA services were collected. However, a large volume of the comments collected were unfavorable as to the reason why complainants did not go back to EWOVA as shown in Chart 15. The main reason was that they did not think they could get a better outcome. **(Chart 15)**



Over 43% of CROs surveyed in the 2023 Review were unable to judge when asked about their interaction with EWOVA in relation to the statement "You were informed by EWOVA that you could go back to EWOVA again after ten business days if your client was not satisfied with their service provider's response". This response is reasonable as many CROs may not have had direct contact with the EWOVA about an individual complaint so would be unable to judge.

26% of CROs surveyed understood the advice provided to them by EOWA or responded that the advice provided by EOWA was clearly explained and none responded that they did not understand the process or the process was not explained clearly (**Chart 16**).



The 2023 Review reviewed EOWA's hard copy (or print material) and noted the readability could be further improved by:

- Readability metrics (e.g., SMOG and Flesch-Kincaid techniques)
- reducing the volume of text and/or formatting to assist instructional guidance
- consistency with other EOWA publications/styles re look, feel, language etc., (i.e., consistency with EOWA's website)
- provide instructions to access the EOWA's online complaint page web link.
- Other recommendations for promotional opportunity provided in this 2023 Review, as follows:
 - Promotion of the EOWA independence from energy, gas and water suppliers is continued with a review of how this independence is described and/or displayed in the EOWA's promotional material.
 - Promotion to consumers about the confidentiality of information for the purposes of resolving complaints provided by the EOWA, and, where relevant, confidentiality to be emphasised and/or included in all new and existing promotional activities.

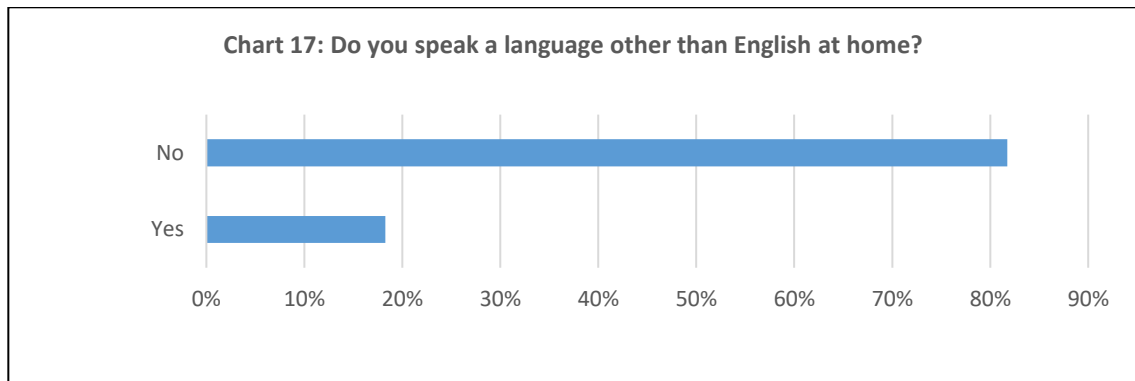
Recommendation 4 – EOWA to review its hard copy publications with consideration given to the readability score and format of each publication for: a) ease of use and b) other recommendations in this Review.

3.5 Demographic Comparisons

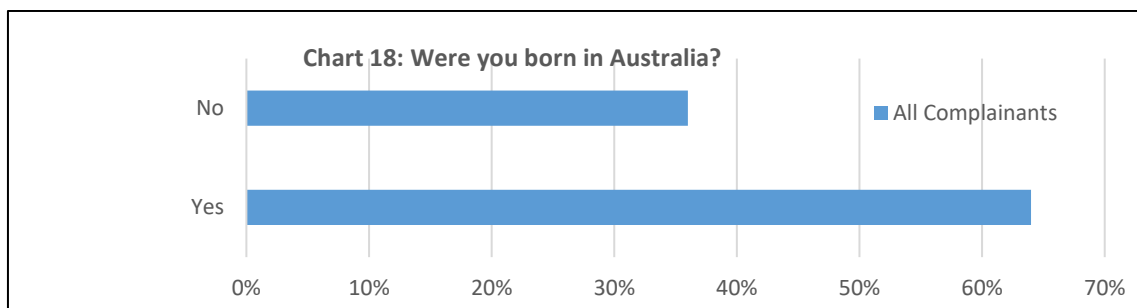
EOWA seeks demographic information from complainants and reports annually to the Board in the EOWA Board Consumer Report. This informs strategies for improving awareness and accessibility.

The 2023 Review survey of complainants included demographic questions. We found complainants had a similar demographic profile in most areas when compared to the Western Australian population generally, including:

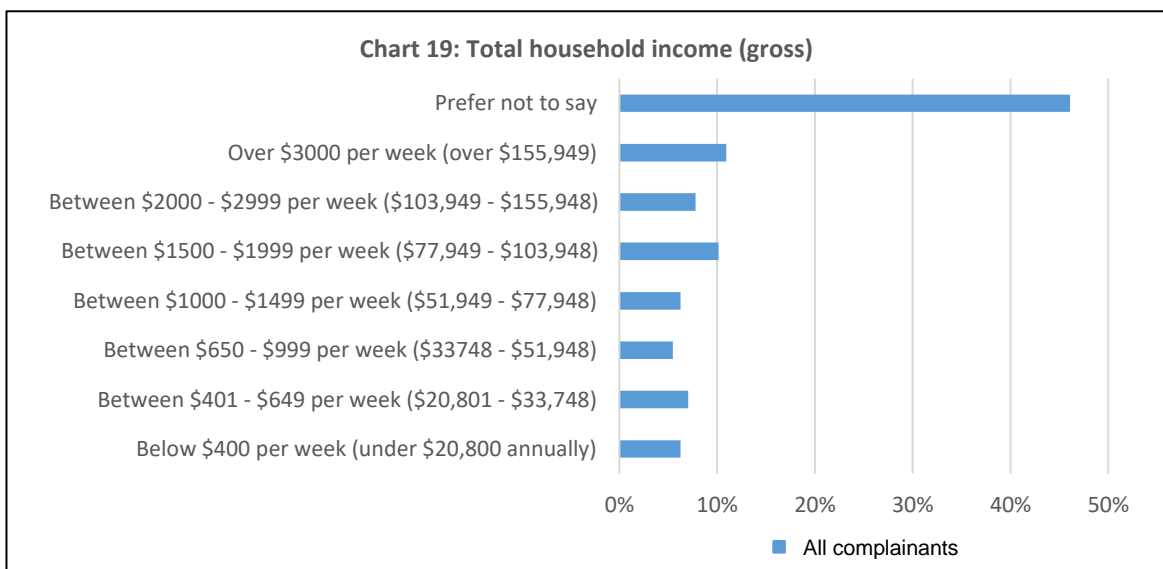
- English is the language used in the home (**Chart 17**) - 82% of survey respondents compared with 75% in the 2021 census data.



- For country of birth (whether Australia or other country) - 64% of survey respondents were born in Australia (**Chart 18**) compared with 62% in the 2021 census data and 73% of complainants reported in the EWOWA Board Consumer Report for 2021/22. This is representative of the population.



- For income, survey respondents in lower income households are under-represented and higher income households (\$77,949 and over) are over-represented (**Chart 19**).



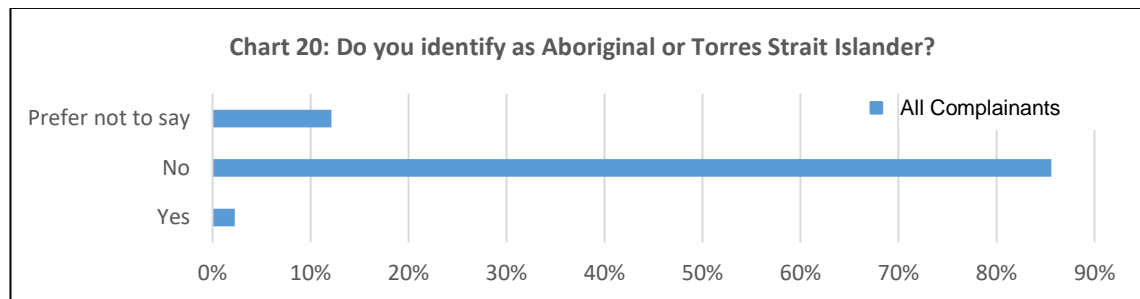
EWOWA used the Socio-Economic Indexes for Area (SEIFA) Index of Relative Socio-economic Advantage and Disadvantage published by the Australian Bureau of Statistics (ABS). This index summarised information by postcode about the economic and social conditions of people and households within an area, including both relative advantage and disadvantage measures. The variables included household income, but also other variables such as level of education, employment status, occupation, number of bedrooms, whether households have a car and even whether people are separated or divorced.

The 2023 Review survey of complainants obtained both their postcode and their total household income per annum. Where possible, EWOWA seeks postcodes from complainants when they make their complaint and reports the results annually in the EWOWA Board Consumer Report, collated by regional and metropolitan postcodes. The EWOWA Board Consumer Report for 2021/22 showed 27.7% of complainants are from regional or remote locations compared to 25.7% in the population. Further analysis of the representation of complainants from each region is used to inform decisions about the regions to be visited each year.

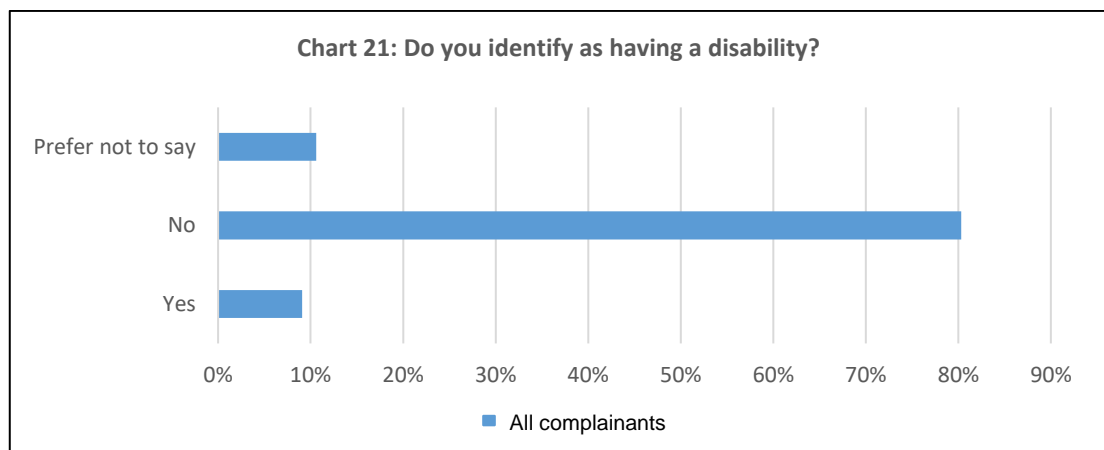
EWOWA collects and reports to the Board on demographic information. However, the collection of information does not currently include individual or household income. In contrast to the direct measure of income used in the survey, the EWOWA Board Consumer Report shows that complainants in postcodes with relative disadvantage are over-represented.

Based on survey responses and the EWOWA Consumer Report, the demographic profile of complainants has similar demographics to the Population with a few exceptions as follows:

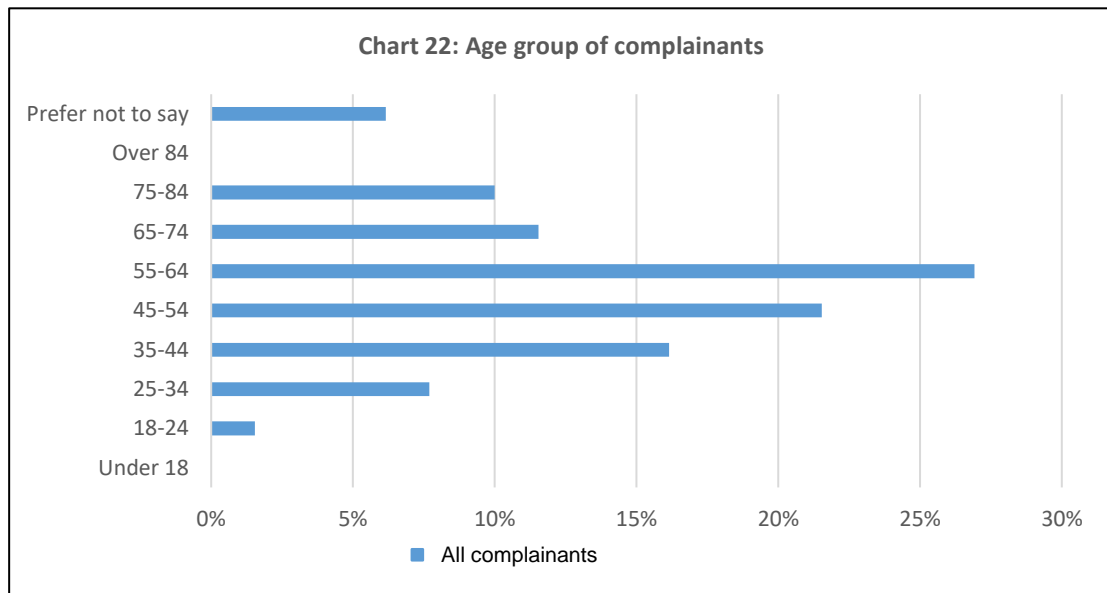
- Aboriginal and Torres Strait Islander status (**Chart 20**) - 2% of survey respondents compared with 3% in 2021 census data and 3% reported in the EWOWA Board Consumer Report for 2021/22.



- Disability – 9% of survey respondents identified as having a disability (**Chart 21**) compared with 16% in the 2021 census data and 12% of complainants reported in the EWOWA Board Consumer Report for 2021/22.



- Age – whilst complainants in most age groups are generally representative of the Western Australian population, younger people (under 18 to 24 years of age and 25 to 34 years of age) are somewhat under-represented among survey respondents (**Chart 22**). The EWOWA Board Consumer Report for 2021/22 also shows that complainants in this age group are under-represented. This may be due, in part, to a lower proportion of people under the age of 35 years holding an electricity, gas or water account. Nonetheless, opportunities to improve awareness and accessibility for these under-represented groups should continue.



Recommendation 5 – EWOWA should continue to track demographic information and in particular, to assess whether current or improved communication strategies targeted at awareness of people with disabilities, people under 35 years of age, and metropolitan versus regional complainants, are effective.

4. Independence

The 2023 Review criteria are based on the National Benchmarks and OAIC Guidelines. Our observations and recommendations from this review for the Independence Benchmark are provided below.

National Benchmark 2: Independence

Principle: The decision-making process and administration of the Scheme are independent from scheme members.

Purpose: To ensure that the processes and decisions of the Scheme are objective and unbiased and are seen to be objective and unbiased.

Key practices: Principal Decision-maker, Staff, Overseeing Entity, Transparency, Funding, Terms of Reference.

Objectives

- The scheme will be appropriately funded by the licensees who are required to be Members.
- The energy and water ombudsman (and staff) will be able to operate independently of all licensees in performing his or her functions under the Scheme.
- Membership of the scheme will:
 - Be accessible to all potential Members; and
 - Provide appropriate representation for all members on the Board of the Scheme.

The structure of the Scheme and its processes must ensure that EWOWA is, and is seen to be, an independent decision maker. In addition, the Scheme's funding arrangements must not affect EWOWA's independence.

Our surveys of Members, complainants and community/consumer organisation representatives confirmed that all groups considered the decision-making process and administration of the Scheme are independent from Scheme members. Independence is also supported by the composition of the Board, including equal numbers of industry and consumer-representative Directors.

4.1 EWOWA's Independence

It is critical that EWOWA's decision-making is seen to be, and is in practice, impartial and independent of the Members and consumers.

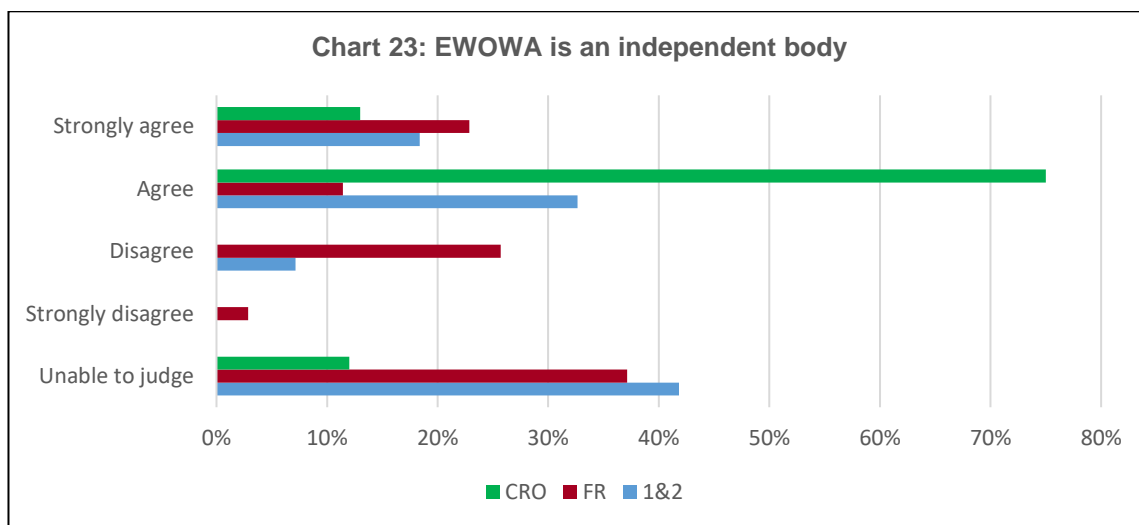
EWOWA's independence is stated in the Governance Framework and its operations are independent from the Board for complaint handling and other day to day decisions. Funding arrangements also focus on ensuring EWOWA is appropriately funded and acts in accordance with the Constitution. There is also an appropriate process for Members joining the Scheme that is independent (i.e. the Board is balanced between consumer and industry representatives). The EWOWA's independence was also confirmed by the review of the website, printed material and a detailed review of a sample of 30 case files.

In the 2023 survey, 88% of CROs surveyed (100% of those able to judge) agreed or strongly agreed EWOWA is independent compared with 91% of CROs able to judge in the 2018 survey.

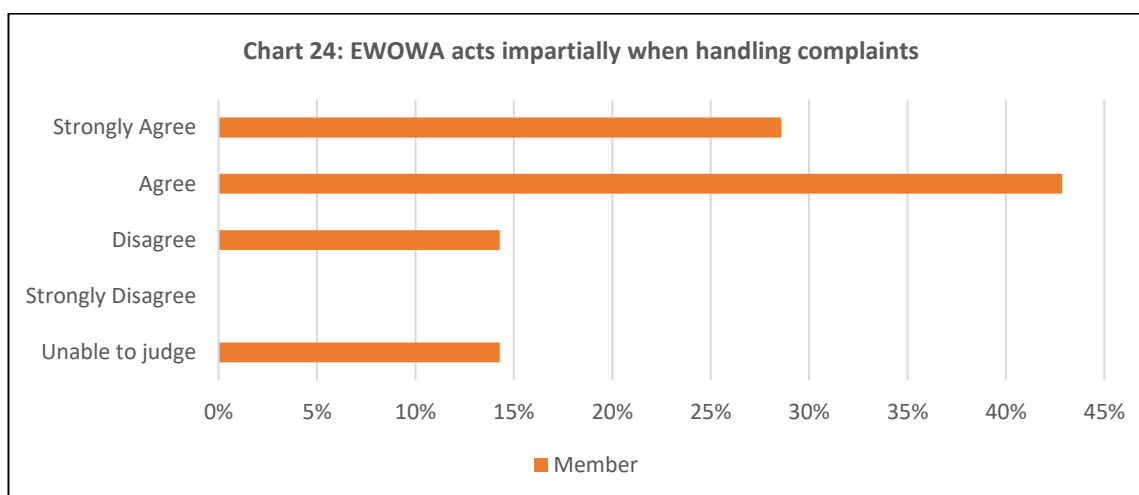
47% of all complainants (79% of those able to judge) agreed or strongly agreed that EWOWA is independent compared to 85% of complainants able to judge in the 2018 survey.

Analysis of the survey responses for Stage 1&2 complainants and Facilitated Resolution and Investigation complainants showed that Stage 1&2 complainants were more likely to agree that EWOWA is independent. 51% of Stage 1&2 complainants (88% of those able to judge) agreed or strongly agreed that EWOWA is independent, with 42% unable to judge.

34% of Facilitated Resolution and Investigations complainants surveyed (54% of those able to judge) agreed or strongly agreed that EWOWA is independent, with 37% unable to judge. This result is biased by complainants surveyed who are dissatisfied with the outcome. **(Chart 23)**



In the 2023 survey, 72% of Members surveyed (83% of those able to judge) agreed or strongly agreed that EWOWA was impartial when handling complaints compared with 77% of Members able to judge in the 2018 survey. **(Chart 24).**



Recommendation 6 – EWOWA to review how independence is described and/or displayed in EWOWA’s promotional materials (all online and print media).

4.2 Confidentiality

The previous 2018 Review recommended that the Board should further consider the proposed amendments to the EWOWA Charter, received from Members, in relation to the use and disclosure of confidential information and the transfer of complaints between a retailer and a distributor.

EWOWA advised that they provided initial information to the Board at the time these matters were raised with the Board. At its meeting in August 2021, the Board considered that current practice reflects confidentiality and the transfer of complaints between distributor and retailer.

The Board supported the reconsideration of the wording in the confidentiality clause of the Charter but that this be undertaken at a time, in due course, when the Charter is being reviewed for other reasons, such as a new jurisdiction being planned. At that time, specific amendment proposals will be provided for the Board’s consideration.

The Energy Policy WA website includes the following information:

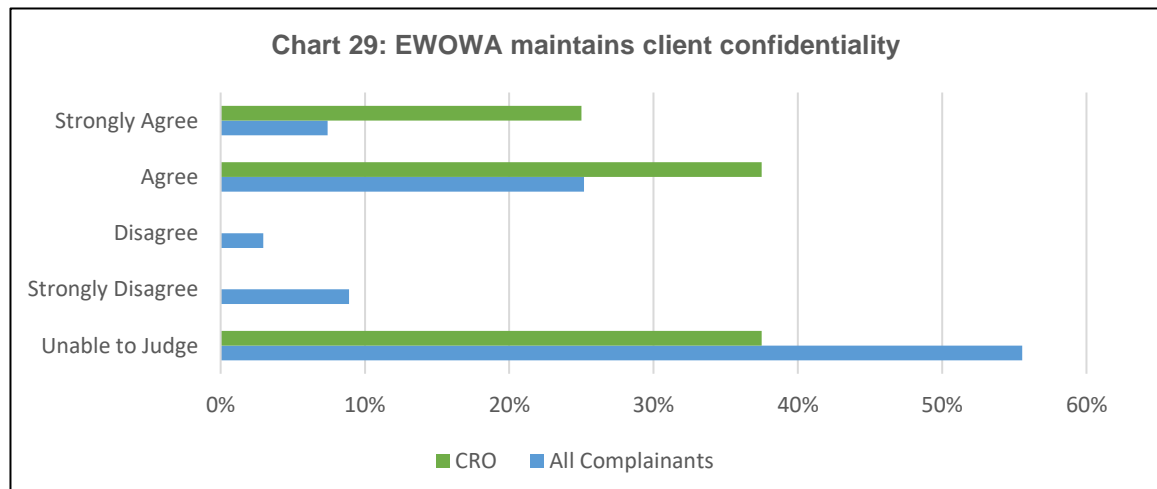
Following a review of the regulatory framework for electricity retail licensing and exemptions, the State Government is introducing the Alternative Electricity Services (AES) regulatory framework to ensure adequate protections are available for consumers of alternative electricity business models and services.

Energy Policy WA is drafting legislative amendments to the Electricity Industry Act 2004 to give effect to the AES framework. Subject to drafting and Parliamentary processes, the framework is targeted to take effect from early 2025.

This may provide an opportunity to consider changes to the Charter.

Recommendation 7 - EWOWA Board to consider appropriate wording for the confidentiality clause in the Charter, when the Charter is reviewed and adjusted for new jurisdiction purposes.

In the 2023 survey, all CROs surveyed who were able to judge, agreed or strongly agreed that EWOWA maintains confidentiality and less than 12% of all complainant groups disagreed that EWOWA maintains confidentiality. No comments indicated disclosure to a third party. **(Chart 29).**



In the 30 case files sampled for the 2023 Review, the confidentiality of information was maintained with one instance of a possible confidentiality breach. The instance was clearly an accidental administrative error and immediately identified by the staff member. There are procedures for the accidental disclosure of personal information and these were applied in this case. The breach was correctly deemed very low risk and it was not necessary to notify the complainant.

The 2023 Review recommends EWOWA review its promotion to consumers about the confidentiality of information for the purposes of resolving complaints provided by EWOWA in its promotional activities, and where relevant confidentiality to be emphasised and/or included in all new and existing promotional materials and activities to ensure the confidence of consumers in relation to the confidentiality of EWOWA services is maintained and built on further.

Recommendation 8 - EWOWA to review its promotion to consumers about the confidentiality of information for the purpose of resolving complaints, and where relevant confidentiality to be emphasised and/or included in all new and existing promotional and workshop activities.

4.3 Board Composition

The Board, as the Board of the Scheme, has overall responsibility for overseeing and administering the scheme's operations including maintaining the independence of the Energy and Water Ombudsman. The Board of the Scheme must also, and does, provide equal representation of Members of the Scheme and consumers.

The previous recommendation in the 2018 Review to maintain a balanced Board including customer representative directors has been implemented.

The recruitment of Directors in 2018 and 2020 sought consumer advocacy experience in the criteria for the role and this was actively considered by the panel during the recruitment process. The next recruitment of a Consumer Representative Director will be in 2024 (subject to no early retirement of incumbents) and EWOWA has confirmed that consumer advocacy experience will be specifically considered during the recruitment process.

5. Fairness

The 2023 Review criteria are based on the National Benchmarks and OAIC Guidelines. Our observations and recommendations from this review for the Fairness Benchmark are provided below.

National Benchmark 3: Fairness

Principle: The procedures and decision-making of the scheme are fair and seen to be fair.

Purpose: To ensure that the scheme performs its functions in a manner that is fair and seen to be fair.

Key practices: Final Determinations, Procedural Fairness, Provision of Information to the Decision-Maker, Confidentiality, Review of Decisions and Determinations.

Objectives

- The scheme has satisfactory arrangements in place to deal with all disputes and complaints referred to in section 11ZPZ (1) of the *Energy Coordination Act 1994*, section 92(1) of the *Electricity Industry Act 2004* and section 65(1) of the *Water Services Act 2012*.

The 2023 Review examined the Scheme's complaints handling policies, procedures and practices and obtained feedback from complainants, Members and CROs to determine whether the Fairness Principle and key practices are being met.

The Review found that the procedures and decision-making of the Scheme are fair and seen to be fair. Examination of a sample of case files found that the complaints handling and investigation processes are fair and well documented. There is a comprehensive procedures framework with guidance notes, instructions and templates that is consistently applied and documented.

5.1 Procedural Fairness

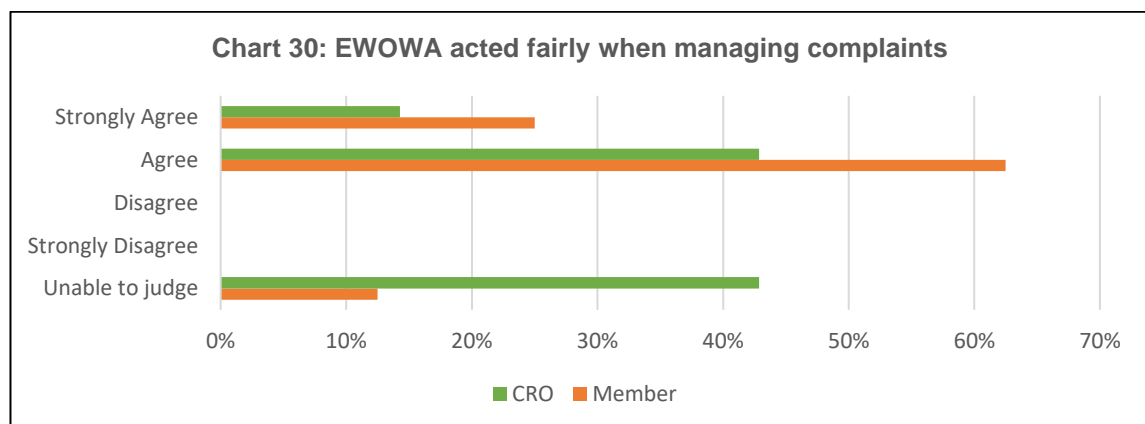
The procedures and decision-making of the Scheme should be fair and seen to be fair.

The detailed review of a sample of 30 case files confirmed the procedural fairness with both parties being given the opportunity to provide input and the outcome appeared reasonable.

In the 2023 Review, Members, CROs and complainant groups were asked the extent to which they agree that EWOWA's acted fairly when managing the complaint

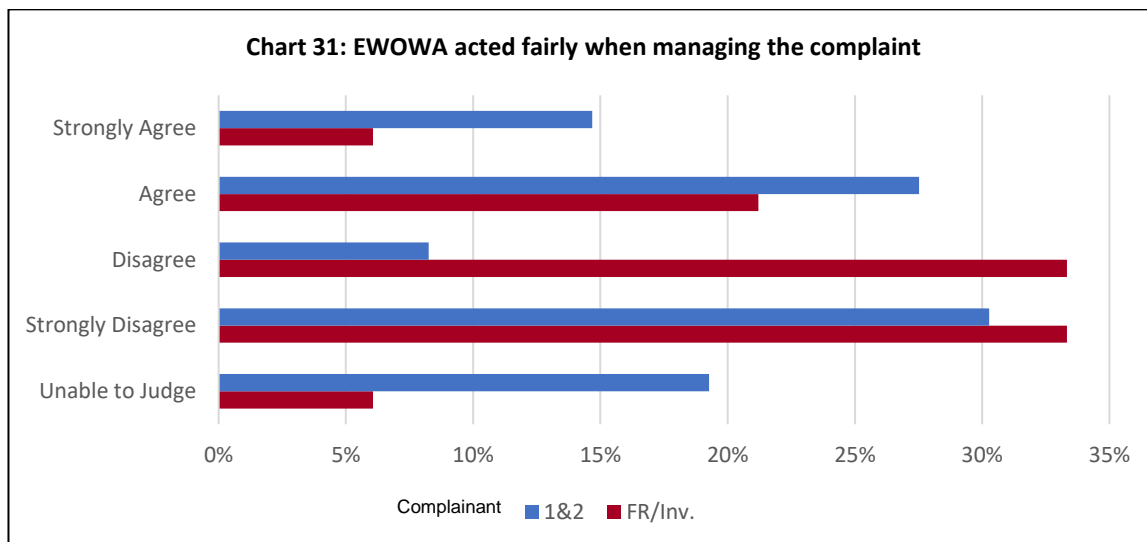
88% of Members surveyed (100% of those able to judge) agreed or strongly agreed that the complaint was managed fairly, compared to 76% of Members able to judge who thought the EWOWA complaint handling process were fair in the 2018 Review

57% of the CROs surveyed (100% of those able to judge) agreed or strongly agreed that the complaint was managed fairly, compared to 81% of CROs able to judge who thought the EWOWA complaint handling process was Fair in the 2018 Review. (**Chart 30**)

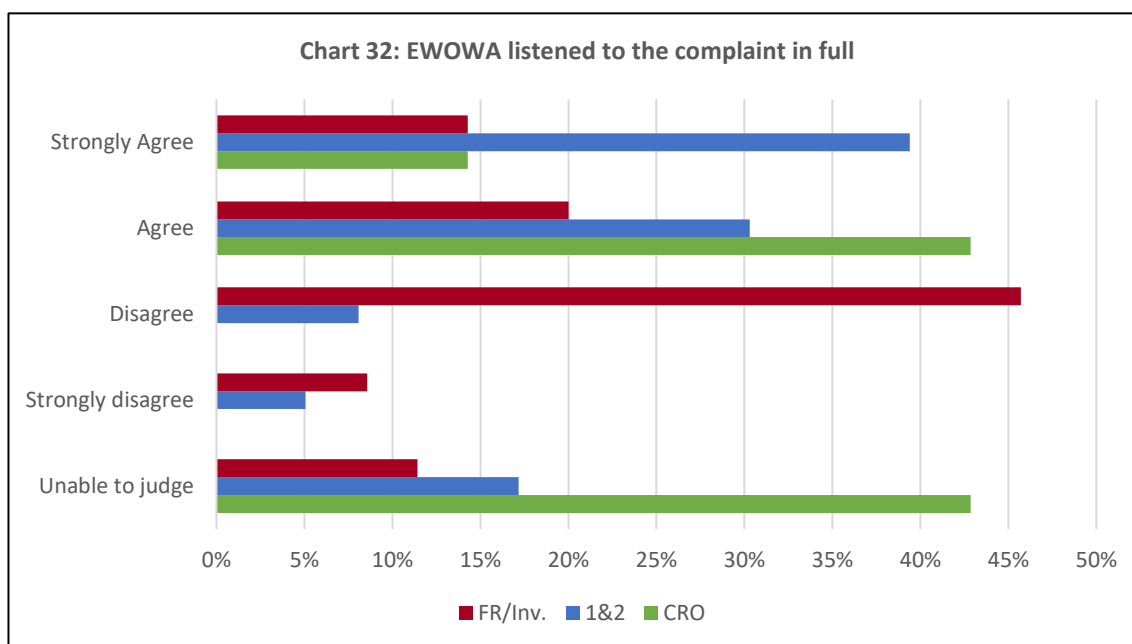


Of the Stage 1&2 complainants able to judge, 52% agreed or strongly agreed that the complaint was managed fairly and 19% were unable to judge.

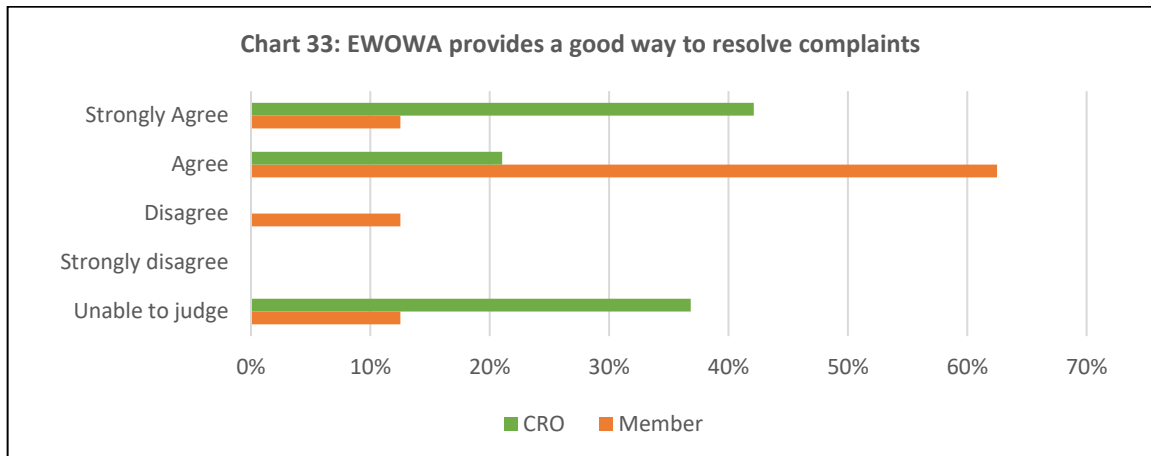
Of the Facilitated Resolution and Investigation complainants, 66% disagreed or strongly disagreed that the complaint was managed fairly and 6% were unable to judge. Again, this could be attributed to the overall rate of satisfaction with the outcome of their complaint recorded by this group of complainants. **(Chart 31).**



In the 2023 survey, 70% of Stage 1&2 complainants (84% of those able to judge) agreed or strongly agreed that EWOWA listened to the complaint in full. Of the Facilitated Resolution and Investigation complainants surveyed, 54% disagreed or strongly disagreed their complaint was listened to in full, with 11% unable to judge. Again, this could be attributed to the overall rate of satisfaction with the outcome of their complaint recorded by this group of complainants. This question was not asked in the 2018 survey so responses could not be compared. **(Chart 32).**



Similarly CROs and Members agree or strongly agree that EWOWA provides a good way to resolve complaints, with all CROs able to judge agreeing and only one Member disagreeing (**Chart 33**).

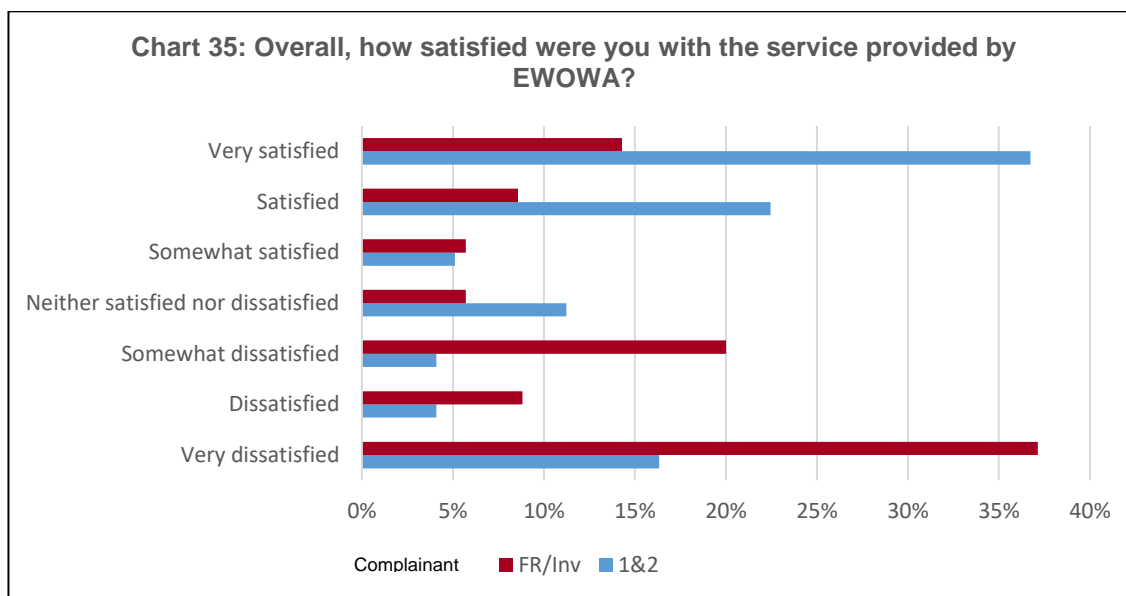


In the 2023 survey, 75% of CROs were satisfied with the service provided by EWOWA and 25% were unable to judge. None were dissatisfied. (**Chart 34**).



The 2023 survey found that 59% of Stage 1 & 2 Complainants stated they were satisfied or very satisfied with the service provided by EWOWA with a further 5% being somewhat satisfied.

Of the Facilitated Resolution and Investigation complainants surveyed, 20% were somewhat dissatisfied, and 46% were dissatisfied or very dissatisfied. As discussed previously, overall satisfaction rates can be attributed to complaint outcomes which do not rule in favour of the complainant or where the complainant is not able to understand or accept EWOWA's jurisdiction (**Chart 35**).



Increased promotion of EWOWA on social media will assist to raise awareness of the role of EWOWA and consumer understanding and expectations.

To further improve satisfaction rates, the Review made two recommendations.

Recommendation 9 - Rather than conducting periodic surveys of complainants, EWOWA to implement an automated feedback mechanism to survey complainants after a set period after closing their complaint. The feedback data should be collated in a 6 or 12 monthly feedback cycle, with the results to be reviewed and reported at the end of each cycle and shared with all appropriate stakeholders.

Recommendation 10 – Where not currently available, EWOWA to plan and design feedback mechanisms appropriate for webinars, training and presentations provided by EWOWA and incorporate in the 6 or 12 monthly feedback cycle.

6. Accountability

The 2023 Review criteria are based on the National Benchmarks and OAIC Guidelines. Our observations and recommendations from this review for the Accountability Benchmark are provided below.

National Benchmark 4: Accountability

Principle: The scheme publicly accounts for its operations by publishing its final determinations and information about complaints and reporting any systemic problems to its members, policy agencies and regulators.

Purpose: To ensure public confidence in the scheme and allow assessment and improvement of its performance and that of scheme members.

Key practices: Procedures, Final Determinations, Responding to Complaints and Participating Organisations, Annual Report.

Objectives

- All licensees who are required to be members of the scheme –
 - Have agreed to be bound by decisions and directions of the Energy and Water Ombudsman under the scheme.
- The scheme will satisfy best practice benchmarks for schemes of a similar kind, both in terms of its constitution and procedure and in terms of its day-to-day operations.

The key practices were expanded since 2018 from only Determinations and Reporting, to include Responding to Complaints and Participating Organisations, and Annual Report. There is now more emphasis on reporting any systemic themes and trends to Members, policy agencies and regulators.

To date, EWOWA has not made any binding decisions. Members have accepted EWOWA's view where EWOWA believes a complaint should be resolved in favour of the complainant. If a binding decision or determination was made, EWOWA would publish the decision or determination on its website.

The 2023 Review found that EWOWA provides accountability and publicly available reports about the Scheme through its website, Annual Report, reporting to Members (monthly and annually) and reporting to the ERA and ERACCC. The website makes available to complainants and other interested parties, information about how to make a complaint, the types of complaints handled, the complaint handling process and any systemic issues or themes.

6.1 Reporting

EWOWA has implemented the recommendation of the 2018 Review and the volume and variety of case studies are now published on EWOWA website.

EWOWA provides monthly reporting to Members about their complaints and staff have regular meetings with Members with high complaint volumes to provide feedback. An Annual Report to Members also provides information on complaints to their organization, including comparisons to their industry.

The Deputy Ombudsman and EWOWA staff have regular meetings with Members with high complaint volumes and monthly reports are provided to Members on their complaints. This process closes the feedback loop and allows Members to improve their consumer service and internal dispute resolution processes from the insights gained by EWOWA.

EWOWA's website includes its latest Annual Report in full and in easy access sections for download in PDF and HTML and prior year Annual Reports back to 2005/06. EWOWA's comprehensive Annual Report provides general information and statistical information about complaints to meet the annual reporting requirements of the accountability benchmark.

The Annual Report and EWOWA website content explains the type of issues raised in complaints. EWOWA has guidance on reporting to the ERA and Members on key themes and a process in place to inform the Board, Members and ERA of any systemic issues. There is also case by case reporting to Members on any issues.

6.2 Trends, Themes and Systemic Issues

EWOWA provides quarterly reports to the Board, ERA and the ERACCC which include information in relation to trends and serious and systemic issues. The Annual Overview provided to EWOWA Board also provides an overview of systemic issues and themes. There is contact with Members on any systemic issues as part of the handling of relevant complaints.

EWOWA has a detailed guidance note on serious and systemic issues which covers defining, investigating and reporting serious and systemic issues internally and to the ERA.

The Deputy Ombudsman and EWOWA staff have regular meetings with Members with high complaint volumes and monthly reports are provided to Members on their complaints. This process closes the feedback loop and allows Members to improve their consumer service and internal dispute resolution processes from the insights gained by EWOWA. The Annual Report to Members provides a summary of their complaints and includes a comparison with their industry.

7. Efficiency

The 2023 Review criteria are based on the National Benchmarks and OAIC Guidelines. Our observations and recommendations from this review for the Efficiency Benchmark are provided below.

National Benchmark 5: Efficiency

Principle: The scheme operates efficiently by keeping track of complaints, ensuring complaints are dealt with by the appropriate process or forum and regularly reviewing its performance.

Purpose: To give consumers and scheme members confidence in the scheme and to ensure the scheme provides value for its funding.

Key practices: Appropriate Process or Forum, Timeliness, Tracking of Complaints, Monitoring and Professionalism.

Objectives

- The scheme has satisfactory arrangements in place to deal with all disputes and complaints referred to in section 92 (1) of the Electricity Industry Act 2004, section 11ZPZ (1) of the Energy Coordination Act 1994 and section 65(1) of the Water Services Act 2012.
- Without limiting any other application of the scheme, the scheme will apply to all disputes and complaints referred to in section 92(1) of the Electricity Industry Act 2004 and section 11ZPZ (1) of the Energy Coordination Act 1994 and section 65(1) of the Water Services Act 2012.
- The scheme will operate expeditiously and without cost to consumers.
- The scheme will satisfy best practice benchmarks for schemes of a similar kind, both in terms of its constitution and procedure and in terms of its day-to-day operations.
- The scheme will maintain the capacity of the Energy and Water Ombudsman, where appropriate, to refer disputes or complaints to other forums.

The Scheme should operate efficiently by keeping track of complaints, ensuring complaints are dealt with by the appropriate process or forum and regularly reviewing its performance.

The Review concluded that EWOWA's complaint handling practices are generally very good, achieving timely outcomes and performing a thorough analysis of the complaint. Examination of a sample of case files found that the complaints handling, and investigation processes are efficient, fair and well documented. EWOWA has made numerous improvements since the 2018 Review and there is a comprehensive procedures framework with guidance notes, instructions and templates that is consistently applied and documented.

The Review found that the Scheme operates efficiently by keeping track of complaints, ensuring complaints are dealt with by the appropriate process or forum and regularly reviewing its performance. EWOWA uses its complaints management database (Resolve) to help track the progress of complaints. Complaints that are outside EWOWA's jurisdiction are referred to more appropriate bodies. Processes are in place to ensure Members have the opportunity to resolve complaints internally in the first instance. EWOWA monitors its performance, reports complaint statistics and has established key performance indicators.

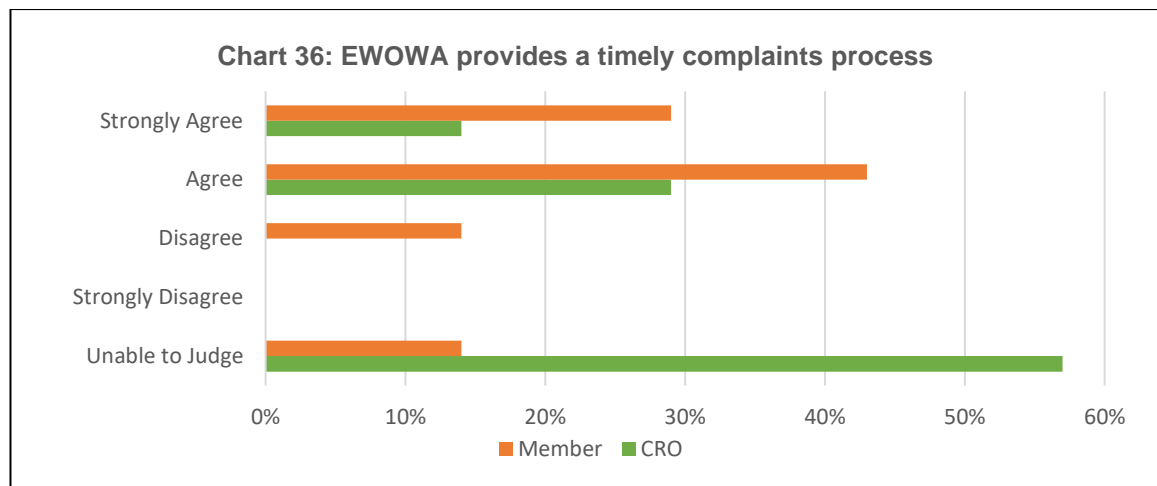
7.1 Timeliness

In the 2023 Review, EWOWA's 2021-2022 Annual Report was referenced. In 2021-22, there were 1,871 complaints finalised, comprising 1,261 electricity complaints, 244 gas complaints and 366 water complaints made to EWOWA. 85% of all complaints were resolved or finalised in under 10 days, with 15% taking over ten days to resolve or finalise. This is similar to the 2018 Review where 86% of complaints were finalised within 10 business days.

In the 2023 survey, 72% of Members (83% of those able to judge) strongly agreed or agreed that EWOWA's complaint handling process was timely which is an improvement on the 2018 survey result of 71% of Members able to judge. All CROs able to judge agreed or strongly agreed that EWOWA provides a timely complaints process.

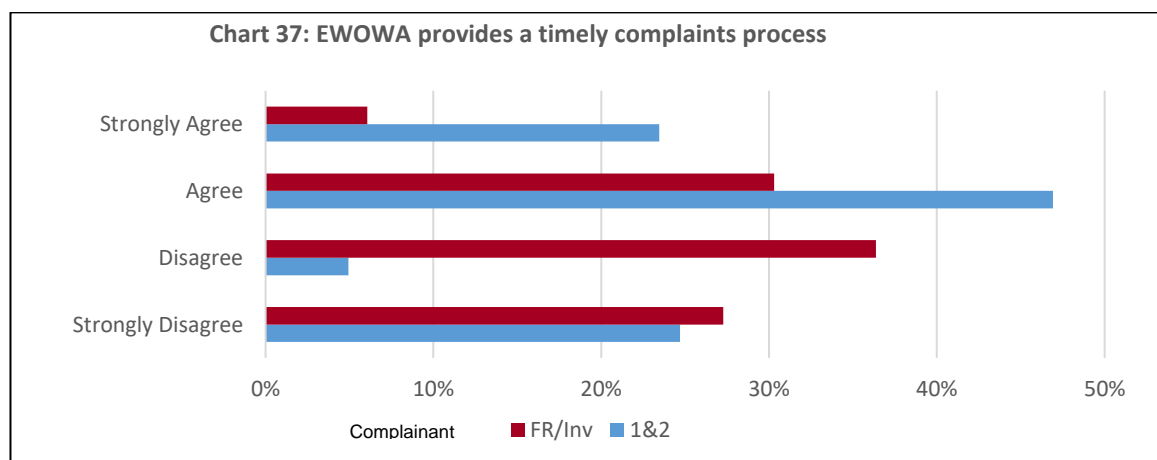
In the 2023 survey, 72% of Members (83% of those able to judge) strongly agreed or agreed that EWOWA's complaint handling process was timely which is an improvement on the 2018 survey result of 71% of Members able to judge. All CROs able to judge agreed or strongly agreed that EWOWA provides a timely complaints process.

All CROs able to judge agreed or strongly agreed that EWOWA provides a timely complaints process. **(Chart 36)**



In the 2023 survey, of those complainants able to judge, 70% of Stage 1&2 and 36% of Facilitated Resolution and Investigation complainants agreed or strongly agreed that EWOWA resolved complaints in a reasonable timeframe (this includes time taken by the Member to respond) compared to 80% of all complainants able to judge in the 2018 survey. **(Chart 37)**

Whilst 64% of Facilitated Resolution and Investigation complainants able to judge, disagreed or strongly disagreed that EWOWA's complaint handling process was timely, this disagreement could be attributed to the additional time required for Facilitated Resolution and Investigation complaints to obtain the information from both parties and seek technical advice if required. Examination of the case files showed that complaints were actioned by EWOWA in a timely manner.



For justification of timeliness for resolution or finalisation, a comparison of complaints was made with other States, whilst noting that some differences between the schemes affect timeliness. For

example, the charters for both Victoria and WA require Members to be given 28 days to respond to complaints.

In addition, this comparison relied on publicly available information for each State which does not clearly state whether time taken to resolve or finalise a complaint includes time between stages. For example, a stage 2 complaint is received by EWOWA who refer the complainant back to the Member. The complainant is advised to bring the complaint back to EWOWA for the Facilitated and Investigation Stage if it is not adequately resolved in 10 business days. If the complainant does not bring the complaint back to EWOWA for 25 days, for example, this time is considered part of the timeframe in EWOWA's statistics. However, it is unclear whether such time lapses are also included in the statistics of other States.

From available public information, EWOWA's timeliness is comparable to most other energy and water ombudsman schemes across Australia for complaints to be resolved or finalised, as shown in the following table.

Comparison of Complaints Resolution Time by State

Timeframe for resolution or finalisation of complaints in 2021/2022	EWOWA	NSW	VIC	QLD	SA
Resolved or finalised under 28 - 30 days	89%	93%	43%	88%	88%
Resolved or finalised in over 28 - 30 days	11%	7%	57%	12%	12%

The detailed review of a sample of 30 case files relating to complaints made in 2022 considered whether the key practices for the efficiency benchmark were applied. We found that reasonable time limits were achieved for each process to facilitate speedy resolution without compromising quality decision making. It is acknowledged that at times, due to the requirement to consult an external third party for example to seek technical advice, timeliness can be affected.

The 2023 Review found one instance where reasonable time limits were not achieved. In this instance, the case was deemed to be related to another complaint and action was deferred pending the outcome of the linked case. Follow up did not occur in a reasonable timeframe due to an administrative oversight. The timeline had little to no effect on the complainant and no effect on the Member. There is a risk that linked complaints may not be actioned in a timely manner.

Recommendation 11 - Where complaints are deemed by EWOWA and/or EWOWA complaints handling staff to be related, for any reason, cases should be linked via the linkage mechanism in Resolve (as currently occurs for larger clusters) to ensure Resolve summary notes and manual filing processes are not wholly relied upon to identify related cases.

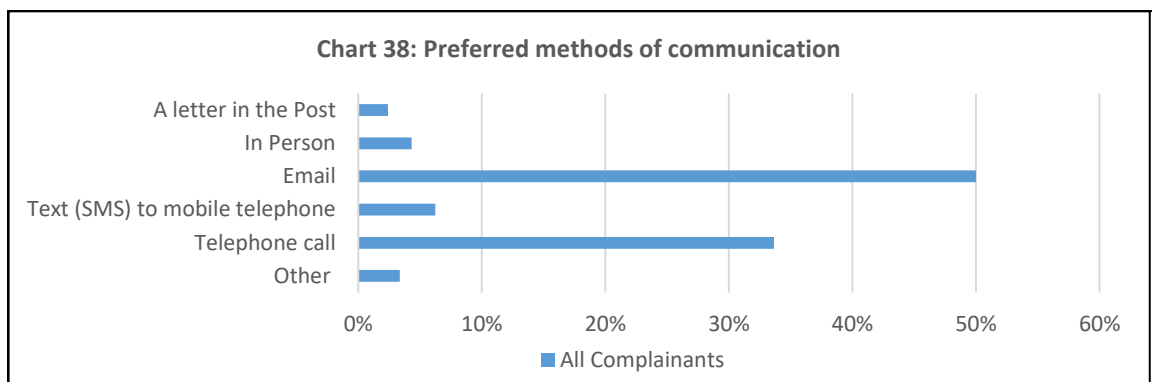
7.2 Complaint Handling Practices

The Review examined a sample of 30 case files relating to complaints made to EWOWA in 2022 (including complaints closed at each Stage and across different outcomes) to confirm the Key Practices for Industry-based Consumer Dispute Resolution were applied and to assess the efficiency and fairness of the complaint handling process. The review of case files found that:

- Staff explained to complainants how the process works, limits on EWOWA's powers and the timelines.
- Staff assisted the complainant to make the complaint where they need assistance.
- The complainant was able to use a support person where required.
- The complaints handling process was fair and where the case was investigated there was a fair and reasonable outcome.

- Information was provided to both parties (Complainant and Member) at the same time, where possible, including timely communication of progress.
- Both parties were advised of the case of the other party and could rebut information provided by each party.
- The officer obtained from the Member all relevant information requested (or from a third party).
- The outcome classification is accurate.
- There was an independent review of decisions by another officer where necessary, as per the process.
- Complaints are within jurisdiction.

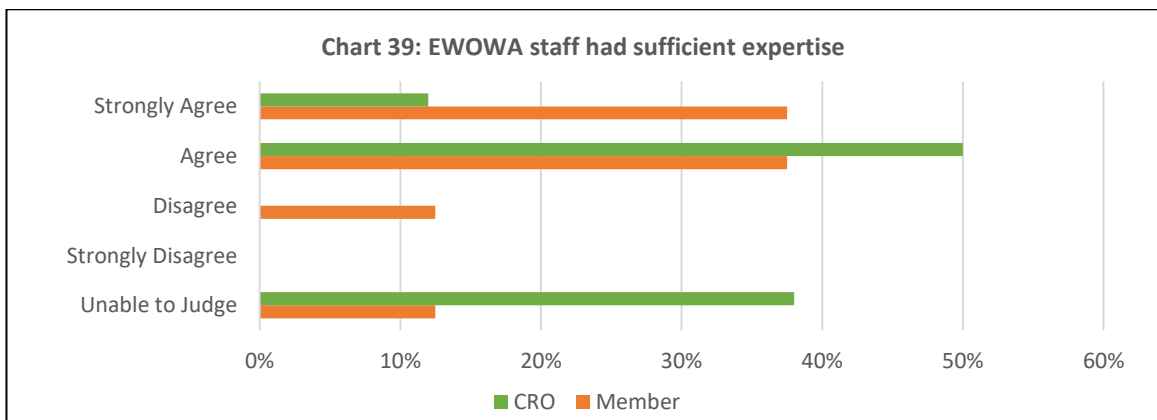
During the 2023 Review of complainant case files, it was noted that most complainants were provided with progress information from EWOWA over the telephone. EWOWA should consider and plan for the growing trend of complainants' communication preference of information via email. **(Chart 38)**



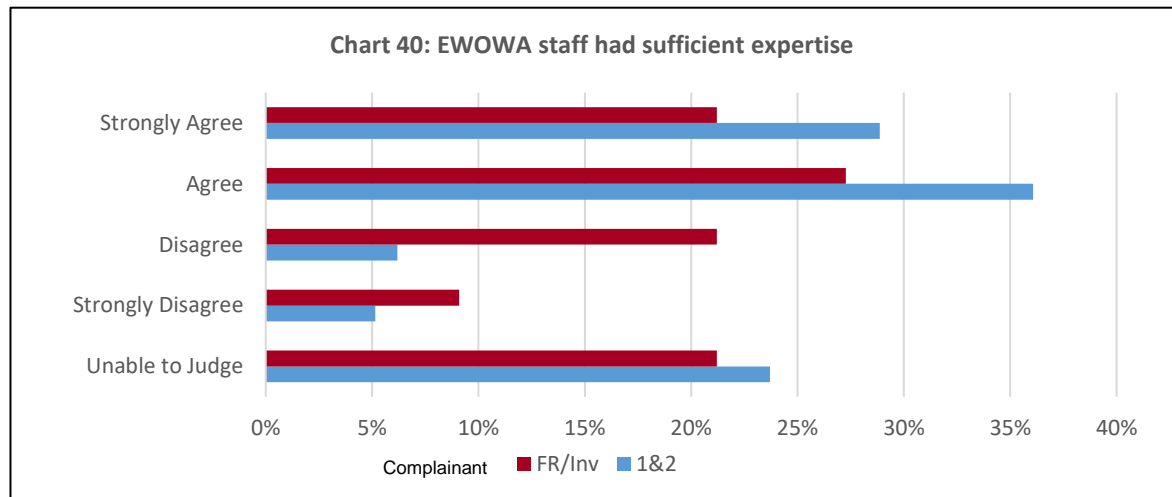
It should also be noted that for some case files reviewed, some complaints handling staff were using the Complaint Handling Checklist to record evidence of the conversation and the process explanation (e.g., limits on powers, timelines, authority to act etc.) with complainants. Where the checklist is not provided with the case file, recorded evidence of those explanations and conversations with complainants is made in the Resolve system Summary Notes. Staff training is designed to ensure that adequate notes are recorded in Resolve.

The 2023 Review surveyed Members, Stage 1&2 and Facilitated Resolution and Investigation complainants to determine their view of EWOWA staff expertise.

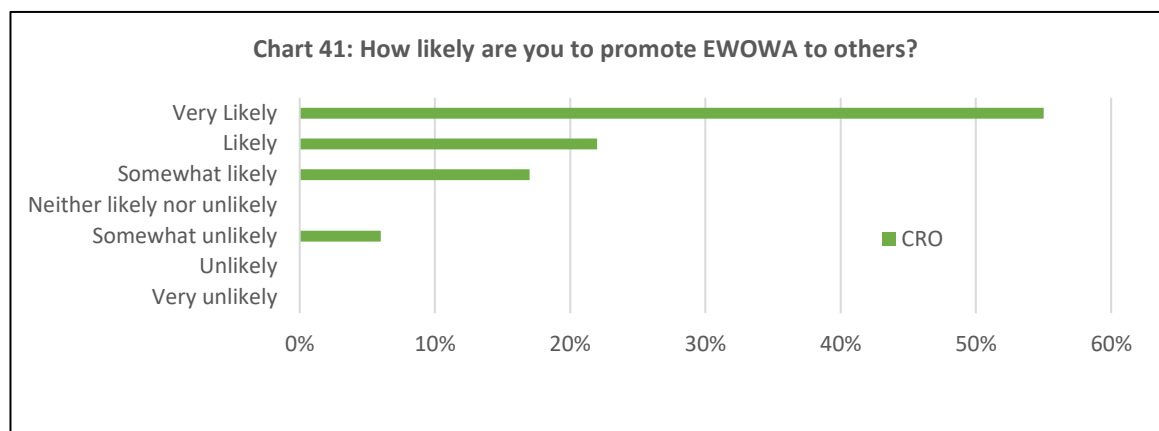
When asked to rate the question “EWOWA staff had the expertise to manage your complaint, no CROs disagreed with the statement and 13% of members surveyed (one Member) disagreed with the statement **(Chart 39)**.



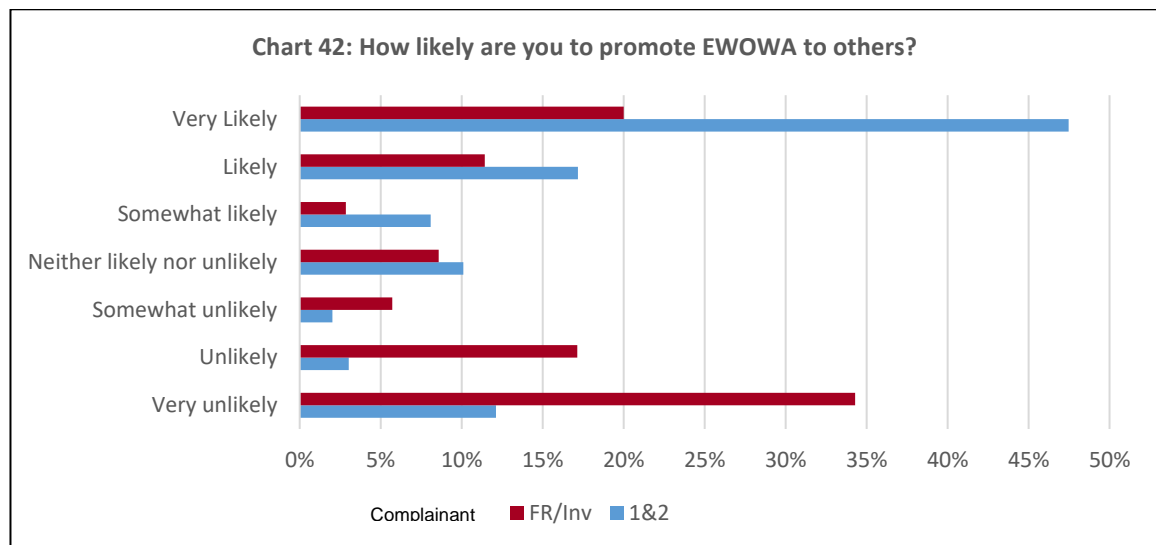
Only 11% of Stage 1 & 2 complainants disagreed or strongly disagreed, whereas 30% of Facilitated Resolution and Investigation complainants disagreed or strongly disagreed that EWOWA staff had sufficient expertise. This disagreement by the Facilitated Resolution and Investigations complainants could be attributed to the overall satisfaction with the outcome of the complaint collected from this particular group of complainants. **(Chart 40).**



In the 2023 Review, CROs and complainant groups were asked how likely they were to promote the services of EWOWA to others. 94% of CROs stated they were somewhat likely, likely or very likely to promote the services of EWOWA. **(Chart 41)**



73% of Stage 1&2 and 34% of Facilitated Resolution and Investigation complainants stated they were somewhat likely, likely or very likely to promote EWOWA services. The low response for Facilitated Resolution and Investigated Complaints is biased by satisfaction with the outcome as discussed previously. This question was not asked in the 2018 survey. **(Chart 42)**



7.3 Funding Arrangements

The funding arrangements must provide sufficient funding for EWOWA to manage its caseload and other functions. Arrangements should also be transparent and equitable to Members and where possible, provide an incentive to resolve complaints internally.

The contribution of each Member towards EWOWA's dispute costs is calculated based on the complaints about the Member in the previous financial year. Complaints are weighted according to the relative amount of resources required to close the complaint. The dispute costs are apportioned between members based on the Members' weighted total of complaints.

After the 2018 Review, EWOWA completed a research project to reassess the average time taken for each stage to inform the recovery of costs from Members. Facilitated Resolutions take more time than Stage 2 complaints and have a higher weighting to reflect the higher cost.

The Ombudsman has input into the budget process and it is carried out in accordance with the Constitution, including putting the Annual Funding Figure to a General meeting of Members.

In 2023/24, EWOWA will continue to have proactive, ongoing dialogue with Members with high numbers of cases referred back to the EWOWA by the customer to strongly pursue the maintenance and enhancement of the Member's internal resolution rates and, where possible, a reduction in the proportion of investigated complaints.

EWOWA has increased the funding allocation for outreach services and the website and this has been approved by the Board in the annual budget. The funding arrangement are adequate to fund the operation of the Scheme.

Some Industry Member's considered that the fees charged for Facilitated Resolution and Investigation complaints was too high and too many complaints went to this Stage when they could have been resolved earlier as many had an outcome in favour of the Member. This Review scope did not include a detailed assessment of the costs charged to Members. This is a matter for the Board to consider.

8. Effectiveness

The 2023 Review criteria are based on the National Benchmarks and the OAIC Guidelines. Our observations and recommendations from this review for the Effectiveness Benchmark are provided below.

National Benchmark 6: Effectiveness

Principle: The scheme is effective by having an appropriate and comprehensive jurisdiction and periodic independent reviews of its performance.

Purpose: To promote consumer confidence in the scheme and ensure that the scheme fulfils its role.

Key practices: Coverage, Systemic Problems, Scheme Performance, Internal Dispute Resolution Mechanisms, Compliance, Independent Review.

Objectives

- All licensees who are required to be members of the scheme –
 - Are members of the scheme.
 - Have agreed to be bound by decisions and directions of the Energy and Water Ombudsman under the scheme; and
 - As members, are so bound.
- The scheme has satisfactory arrangements in place to deal with all disputes and complaints referred to in section 92 (1) of the *Electricity Industry Act 2004*, section 11ZPZ (1) of the *Energy Coordination Act 1994* and section 65(1) of the *Water Services Act 2012*.
- Without limiting any other application of the scheme, the scheme will apply to all disputes and complaints referred to in section 92(1) of the *Electricity Industry Act 2004*, section 11ZPZ (1) of the *Energy Coordination Act 1994* and section 65(1) of the *Water Services Act 2012*.
- The scheme will provide for a monetary limit on claims covered by the scheme of an amount approved by the Economic Regulation Authority.
- The scheme will require the Energy and Water Ombudsman to inform the Economic Regulation Authority of substantial breaches of –
 - Any licence condition; or
 - The code of conduct under Part 6 of the *Electricity Industry Act 2004*, Part 2C of the *Energy Coordination Act 1994* or Part 2 of the *Water Services Act 2012* of which the ombudsman becomes aware.

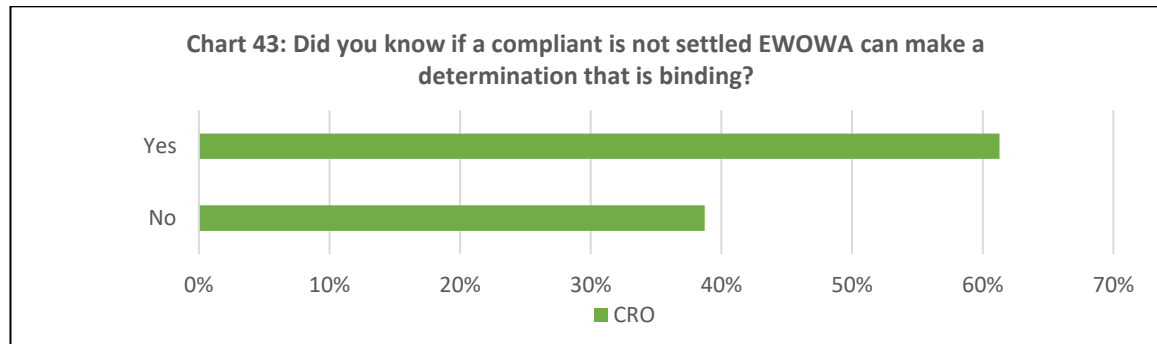
The Review concluded that EWOWA's complaint handling practices are effective and include satisfactory arrangements to deal with complaints and disputes and Members have agreed to be bound by the decisions of EWOWA. Examination of a sample of case files found that the complaints handling, and investigation processes are effective and well documented. EWOWA has made numerous improvements since the 2018 Review and there is a comprehensive procedures framework with guidance notes, instructions and templates that is consistently applied and documented.

The Review obtained feedback from complainants, Members and community representative groups in relation to the scope and powers of the scheme as well as their overall impressions.

8.1 Scope and Powers

In the 2023 Review, Members were asked for their responses to scope and powers separately. All Members able to judge agreed or strongly agreed with all questions: EWOWA scope is sufficient, EWOWA scope is clear, EWOWA powers are sufficient and EWOWA powers are clear. This has improved from 70% able to judge in the 2018 survey and is a very positive result.

The survey found that 61% of CROs know that if a complaint is not settled, EWOWA can make a determination that is binding (**Chart 43**). This is a reasonable result as many CROs did not have any contact from complaints in the survey period.



8.2 Board Reporting

We reviewed the reports being provided to each quarterly meeting of the Board and noted the reports are very comprehensive. The Deputy Ombudsman attends each Board meeting and provides explanations as required. Some are strategic (e.g., Annual Report, Annual Overview, Budget and Business Plan). Over time, the reports have been added with broader statistical reports supplementing the previous detailed reports.

Trends and serious and systemic issues are reported to the Board, ERA and ERACC each quarter and an Annual Report is provided to the Board with demographic information and any research projects being performed.

Feedback was obtained from Board members on the monthly reporting and one improvement was noted.

Recommendation 12 – The Board reporting by EWOWA could be further improved by providing a 1 or 2 page summary of the key findings and trends in the monthly analysis of complaints processing and Key Performance Indicators.

8.3 Changes in Jurisdiction

The Review noted that EWOWA is monitoring potential changes to its jurisdiction arising from WA's Energy Transformation Strategy. The Strategy is designed to address the growing reliance on smaller electricity operators in Western Australia to supply power to the electricity grid. The Strategy's objective is to provide "A future where *Distributed Energy Resources (DER)* is integral to a safe, reliable and efficient electricity system, where the full capabilities of DER can provide benefits and value to all customers".

The Energy Policy WA website includes the following information of particular relevance to EWOWA:

Following a review of the regulatory framework for electricity retail licensing and exemptions, the State Government is introducing the Alternative Electricity Services (AES) regulatory framework to ensure adequate protections are available for consumers of alternative electricity business models and services.

Energy Policy WA is drafting legislative amendments to the Electricity Industry Act 2004 to give effect to the AES framework. Subject to drafting and Parliamentary processes, the framework is targeted to take effect from early 2025.

This may result in changes to EWOWA's jurisdiction and the Board commenced a regular program of updates from Energy Policy WA in May 2023.

Recommendation 13 – EWOWA to continue to monitor and prepare for potential changes to jurisdiction arising from the Alternative Electricity Services regulatory framework which may significantly increase the number of Members of the Scheme and the number of complaints due to the inclusion of providers of alternative electricity services, not previously captured in the Scheme.

9. Directors Fees

Objectives

An additional objective of the 2023 Review was:

- Assessment of, and advice regarding, the level of remuneration for Directors.

From discussion with Board members and the Deputy Ombudsman, the Review concluded that the current fees paid to the Chair and three community/consumer representative Directors are fair and reasonable.

The fees were reviewed and adjusted in 2022/23 based on the State Government guidance on pay increases for public servants and government officers. The approved increase for these public sector officers is 3% and the statutory 0.5% increase in Superannuation. Director fees have in the past been based on increases in salaries set by the Salaries and Allowances Tribunal (SAT) but these figures are not yet available for the next year.

Consideration could be given to the Remuneration for Government Boards and Committee's check list, in particular

- Roles, duties and responsibilities of members including additional responsibilities of chair and deputy chair
- Expected workload including frequency and duration of meetings
- Additional work requirements for members outside meetings (if applicable)
- Ability to attract and retain members.

This should be part of the annual review of Directors' fees. It would also be useful to compare the EWOWA Directors fees to the Director fees for similar energy and water ombudsman in other States/Territories. This information is not publicly available but may be obtained directly by the EWOWA Chairperson.

Appendix A - Objectives of the Energy and Water Ombudsman Scheme

The collated objectives of the Scheme referred to in section 11ZQ of the *Energy Coordination Act 1994*, section 93 of the *Electricity Industry Act 2004* and Section 66(2) of the *Water Services Act 2012* are that:

Legislative Obligation	Section of Report
a) all licensees who are required to be members of the scheme — (i) are members of the scheme. (ii) have agreed to be bound by decisions and directions of the ombudsman under the scheme; and (iii) as members, are so bound;	4 & 6
b) the scheme will be appropriately funded by the licensees who are required to be members;	6
c) the scheme has satisfactory arrangements in place to deal with all disputes and complaints referred to in section 11ZPZ (1) of the <i>Energy Coordination Act 1994</i> ; section 92(1) of the <i>Electricity Industry Act 2004</i> and section 65(1) of the <i>Water Services Act 2012</i> ;	7 & 8
d) the ombudsman will be able to operate independently of all licensees in performing his or her functions under the scheme;	4
e) the scheme will be accessible to consumers under the <i>Energy Coordination Act 1994</i> and the <i>Electricity Industry Act 2004</i> and complainants under the <i>Water Services Act 2012</i> ;	3
f) membership of the scheme will — (i) be accessible to all potential members; and (ii) provide appropriate representation for all members on the Board of the scheme;	4
g) without limiting any other application of the scheme, the scheme will apply to all disputes and complaints referred to in section 11ZPZ (1) of the <i>Energy Coordination Act 1994</i> ; section 92(1) of the <i>Electricity Industry Act 2004</i> ;	3
h) the scheme will operate expeditiously and without cost to consumers;	6
i) the scheme will satisfy best practice benchmarks for schemes of a similar kind, both in terms of its constitution and procedure and in terms of its day-to-day operations;	8
j) the scheme will provide for a monetary limit on claims covered by the scheme of an amount or amounts approved by ERA;	8
k) the scheme will maintain the capacity of the ombudsman, where appropriate, to refer disputes or complaints to other forums; and	8
l) the scheme will require the ombudsman to inform ERA of substantial breaches of — (i) any licence condition; or (ii) The code of conduct under Part 6 of the <i>Electricity Industry Act 2004</i> , Part 2C of the <i>Energy Coordination Act 1994</i> or Part 2 of the <i>Water Services Act 2012</i> of which the ombudsman becomes aware.	8

END OF REPORT