



Economic Regulation Authority

# Decision – Amended Constitution

Energy and Water Ombudsman Scheme

9 July 2024

## Acknowledgement of Country

At the ERA we value our cultural diversity and respect the traditional custodians of the land and waters on which we live and work.

We acknowledge their continuing connection to culture and community, their traditions and stories. We commit to listening, continuously improving our performance and building a brighter future together.

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# 1. Decision

The Economic Regulation Authority (ERA) has approved the amended Constitution of the Energy and Water Ombudsman of Western Australia (EWOWA) Scheme.<sup>1</sup>

## 1.1 Background

At a General Meeting on 31 May 2024, EWOWA members accepted amendments to the Constitution. The EWOWA then submitted the amended Constitution to the ERA for approval.

Sections 11ZQ of the *Energy Coordination Act 1994*, 93 of the *Electricity Industry Act 2004* and 66 of the *Water Services Act 2012* provide that the ERA may approve a scheme or an amendment to a scheme only if it is satisfied that the scheme, as amended, meets the objectives set out in the Acts and any other prescribed objective.<sup>2</sup>

The EWOWA must periodically review the efficacy of its schemes, the last review was completed in 2023. This review found that the EWOWA meets the National Benchmarks and better practices for corporate governance, and noted a high level of satisfaction amongst members, complainants, and consumer representative organisations.<sup>3</sup> The next scheme review will be completed in 2028.<sup>4</sup>

Entities licensed by the ERA are obliged to be members of the EWOWA scheme.

## 1.2 Reasons

The ERA has reviewed the amended Constitution and is satisfied that it is consistent with the prescribed objectives.

These constitutional amendments are intended to give the EWOWA greater flexibility in the conduct of its business, improving efficiency and enhancing the scheme's capacity to meet its objectives.

## 1.3 Scheme objectives

The EWOWA scheme must meet the following 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 ombudsman under the scheme.
- The scheme will be appropriately funded by the licensees who are required to be members.
- The scheme has satisfactory arrangements in place to deal with all disputes and complaints.

<sup>1</sup> Energy and Water Ombudsman WA ([online](#)).

<sup>2</sup> *Energy Coordination Act 1994 – Section 11ZQ, Electricity Industry Act 2004 – Section 93, Water Services Act 2012 – Section 66*

<sup>3</sup> ERA, 6 December 2023, Notice, Statutory review of the Energy and Water Ombudsman ([online](#)).

<sup>4</sup> *Electricity Industry (Ombudsman Scheme) Regulations 2005*, section 9; *Energy Coordination (Ombudsman Scheme) Regulations 2004*, section 8; *Water Services Regulations 2013*, section 18(2)

- The ombudsman will be able to operate independently of all licensees in performing his or her functions under the scheme.
- The scheme will be accessible to customers.
- Membership of the scheme will be accessible to all potential members; and provide appropriate representation for all members on the governing body of the scheme.
- The scheme will operate expeditiously and without cost to customers.
- 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 provide for a monetary limit on claims covered by the scheme of an amount, or amounts approved by the ERA.
- The scheme will maintain the capacity of the ombudsman, where appropriate, to refer disputes or complaints to other forums.
- The scheme will require the water services ombudsman to inform the ERA of substantial breaches of any licence condition of which the ombudsman becomes aware.