

Attention: Mr Paul Kelly, Executive Director

Thank you for the opportunity to comment on the Draft Gas Customer Code. The following comments are forwarded for consideration by the Authority:

1. Clause 10(b) of the repealed Gas Marketing Code of Conduct 2004 required marketers to -

"on request by the gas industry ombudsman in relation to a particular complaint, give to the gas industry ombudsman information that this Code requires the responsible marketer to keep, and any other information that the responsible marketer has, relating to the complaint"

There does not appear to be a commensurate provision in the proposed Code. Such a provision appears necessary.

2. Clause 14(2)(d) of the repealed Gas Marketing Code of Conduct 2004 required the marketer to provide information on "how to make a complaint to the responsible marketer or the gas industry ombudsman, and a copy of the complaint handling and dispute resolution procedures of the responsible marketer if the customer requests one."

There does not appear to be a commensurate provision in the proposed Code. The only similar requirement of marketers in the proposed Code appears to be that when a marketing representative meets with a customer face to face, the marketer must provide the customer, in writing, with the complaints telephone number of the marketer and, if different, of the retailer. Perhaps there should, in addition, be a requirement on the marketer to provide information on how to make a complaint to the responsible marketer or retailer or the gas ombudsman if the customer requests it. This would cover situations where the contact between the marketer and the customer is not face to face e.g. telephone contact.

3. Clause 2.4(1) of the proposed Code states that the retailer or marketer must "give or make available to the customer a copy of the contract". It is recommended "give or make available" be replaced with "make available". It is anticipated that retailers and marketers may make copies of contracts available on their websites. However, perhaps there should, in addition, be a requirement to without charge send a copy to the customer if the customer requests it. This would cater for customers who do not have ready access to the Internet.

4. Clause 2.8 of the proposed Code requires a retailer to comply with the National Privacy Principles. This should also apply to marketers.

5. Clause 10.6 of the proposed Code - As it reads only (a) is at no charge. Provision of information under (b), i.e. where the customer is referred to a third party for information, should also be at no charge to the customer.

6. Clause 10.11(2)(a) of the proposed Code - The reference to clause 4.2(5) appears incorrect - clause 4.2(5) does not refer to a notice.

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