

Your ref: AA1000439  
Our ref: EWOQ/19/0039

22 May 2019

Mr David Wang  
Australian Competition and Consumer Commission  
GPO Box 3131  
Canberra ACT 2601

Dear Mr Wang

**Clean Energy Council & Ors application for authorisation of New Energy Tech Consumer Code [AA1000439] – interested party consultation**

Thank you for to opportunity to make a submission on the New Energy Tech Consumer Code.

**Background to EWOQ**

The Energy and Water Ombudsman Queensland (EWOQ) provides a free, fair and independent dispute resolution service for small electricity and gas customers across Queensland and water customers in South East Queensland who are unable to resolve a dispute with their supplier. Our submission is based on our experience as an external dispute resolution scheme dealing with residential and small business energy customer complaints in Queensland.

**Feedback on the New Energy Tech Consumer Code**

As an industry ombudsman scheme, we are of the view that all energy customers, should have appropriate consumer protections in place and access to external dispute resolution services where required. EWOQ also acknowledges the proliferation of emerging and new technologies within the energy sector and welcomes recognition of the requirement to extend consumer protections to this segment of the market.

EWOQ supports the intention of the New Energy Tech Consumer Code (the Code) and identifies the need to ensure that the Code is consumer focussed and well aligned with existing obligations under other statutory requirements, to improve consumer safety and increase confidence within the sector. It is important that the introduction of a new Code balances consumer protections without impinging on the offering of new and innovative energy technologies or without increasing the costs of these provisions for consumers.

It is noted that a complaints process is outlined in the Code, whilst a time period has been specified for the response of a complaint to be provided within (15 business days), it is our recommendation that a specific time period is provided for the acknowledgment of receipt of a complaint (s. 53(b)) rather than the broad reference to “as soon as possible”.

EWOQ also encourages the broad dissemination of resources that educate consumers on the existence and availability of the Code. The education of consumers should also extend to ensuring consumers understand how the Code works within the existing available frameworks that focus on consumer protections. As an industry ombudsman scheme, the Code, once in practice, will be utilised in conjunction with existing regulatory requirements to ensure that signatories are meeting their obligations in dealings with customers.

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We acknowledge the importance of access to energy data by consumers and note that this is often outside the control of the New Energy Tech provider. However, suggest that the Code is flexible enough to incorporate any requisite amendments once the Consumer Data Right for the energy sector is finalised.

Overall, we note that the Code has been drafted broadly and respectfully suggest that consideration be given to tightening broad provisions to eliminate the potential for interpretation that is inconsistent with the intent of the Code.

If you require any further information regarding our submission, please contact Miss Jonnita Gillam, Principal Policy Officer on 07 3087 9404 or [Jonnita.gillam@ewoq.com.au](mailto:Jonnita.gillam@ewoq.com.au).

Yours sincerely



**Ilona Cenefels**

General Manager – Reporting, Policy and Research

c.c. Jane Pires