



## MEMORANDUM OF UNDERSTANDING

AUSTRALIAN ENERGY MARKET COMMISSION

and

ENERGY & WATER OMBUDSMAN (NSW)

## **1. Objectives**

- 1.1. This memorandum of understanding (MOU) sets out arrangements to promote effective communication, cooperation and coordination between the Australian Energy Market Commission (AEMC) and the Energy & Water Ombudsman NSW (EWON) in performing their roles and functions in Australia's energy industry. These arrangements aim to enhance the understanding of industry and consumer issues in relation to the national energy market, and the performance by the AEMC and EWON of their respective roles.
- 1.2. This MOU is a public document and communicates, in a transparent way to all stakeholders, the administrative arrangements that operate between the AEMC and EWON.

## **2. Parties to the Understanding**

### ***Australian Energy Market Commission (AEMC)***

- 2.1. The AEMC is responsible, under the national energy laws<sup>1</sup>, for making rules relating to the National Electricity Market (NEM), access to natural gas pipeline services and broad elements of the natural gas markets and the sale and supply of energy to customers.

In addition to its rule making role, the AEMC conducts reviews and provides advice on energy market related matters for the Ministerial Council of Energy (through the Standing Council on Energy and Resources). The AEMC also reviews the effectiveness of competition in retail electricity and gas markets in NEM jurisdictions.

### ***Energy & Water Ombudsman NSW (EWON)***

- 2.2. The Energy & Water Ombudsman NSW (EWON) is the approved dispute resolution scheme for all New South Wales electricity and gas customers and some water customers. EWON's Constitution gives it the power to receive, investigate and facilitate the resolution of customer complaints about electricity and gas retailers and distributors that are members of the ombudsman scheme. EWON's jurisdiction also covers complaints by customers of electricity suppliers that are exempt from holding a retail licence, and complaints against marketers acting for energy licence holders.

All electricity and gas retailers and distributors who supply small retail customers in New South Wales are required to be members of the EWON scheme, as the approved energy ombudsman scheme for New South Wales.

## **3. Notification and Consultation**

- 3.1. Where appropriate, the AEMC and EWON will endeavour to:
  - (a) notify each other of any activities that may be relevant to the other party, and keep each other informed of the progress of those matters. This could include:
    - (i) matters relating to the application and development of consumer protections, including in relation to hardship customers;

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<sup>1</sup> National Electricity Law, National Gas Law and National Energy Retail Law

- (ii) reports on the energy industry; or
  - (iii) rule changes and reviews being conducted by the AEMC under the National Energy Retail Law; and
- (b) provide each other with copies of publications that may be relevant to the other agency.

3.2. Where appropriate, the AEMC and EWON will consider inviting staff from the other agency to participate in consumer and industry consultation and outreach activities.

3.4. Where appropriate, the AEMC and EWON will provide information forums for staff of the other agency covering topics such as roles and responsibilities, to support the operation of this MOU.

#### **4. Activities reports**

4.1. The liaison officers nominated under clause 7.1 of this MOU will meet quarterly or as otherwise agreed to discuss matters of common interest, including to:

- (a) provide each other with updates and reports on consumer enquiries or complaints that may demonstrate systemic issues or emerging trends;
- (b) discuss rule changes and reviews being undertaken by the AEMC under the National Energy Retail Law and related consumer protection issues;
- (c) inform each other about any existing or proposed activities that may be of interest to the other party;
- (d) identify opportunities for joint activities or the sharing of information; and
- (e) report on any other developments that may impact on other party.

4.2. Reports may be provided in writing or at the scheduled regular meetings, as agreed between the parties.

#### **5. Special requests**

5.1. The liaison officers may contact each other outside the scheduled regular meetings to:

- (a) request advice on issues that are within the responsibility of their agency - for example, the AEMC may seek information on consumer protection issues associated with a rule change under the National Energy Retail Law; or
- (b) request additional information outside of the scheduled reporting times.

When such a request is made, the party that receives the request will respond as soon as possible.

#### **6. Information management**

6.1. The parties recognise the value of sharing information. The parties also recognise that they each have obligations in relation to the protection of information and will take



reasonable steps to protect any confidential information from any unauthorised use or disclosure.

- 6.2. Where appropriate and permitted under relevant laws, the AEMC and EWON will facilitate the exchange of information.
- 6.3. With respect to all information concerning or relating to a complaint, EWON will act in accordance with privacy laws and EWON's Privacy Policy.

## 7. Management of the MOU

- 7.1. The AEMC and EWON will each nominate a liaison officer to serve as a point of contact in relation to matters arising under this MOU and to be responsible for general liaison under this MOU and subsequent co-operation arrangements between the parties.
- 7.2. The Ombudsman and the Chief Executive of the AEMC will meet as necessary to assess the operation of this MOU and to discuss the ongoing relationship between the AEMC and EWON.
- 7.3. In the event of any disagreement between the parties as to the implementation of this MOU, the Chief Executive of the parties (or their delegates) will seek to resolve the matter in accordance with the objectives of this MOU.
- 7.4. The AEMC and EWON will initiate a review of this MOU no later than 30 June 2015.
- 7.5. This MOU is not intended to be legally binding on the agencies.

### **Publication**

- 7.6. This MOU may be published by the AEMC and EWON on their respective web sites.

**Dated this                      day of**

The common seal of the **Australian Energy Market Commission** was fixed to this document on the 23<sup>rd</sup> day of DAY OF JANUARY 2014 by the authority of the Australian Energy Market Commission pursuant to section 23 of the *Australian Energy Market Commission Establishment Act 2004 (SA)*.

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John Pierce  
Chairman

*Clare Petre*  
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**Clare Petre**  
Ombudsman  
Energy & Water Ombudsman NSW

*28 January 2014*

