



Queensland

Energy Ombudsman Amendment Regulation (No. 1) 2009

Subordinate Legislation 2009 No. 12

made under the

Energy Ombudsman Act 2006

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1 Short title

This regulation may be cited as the *Energy Ombudsman Amendment Regulation (No. 1) 2009*.

2 Regulation amended

This regulation amends the *Energy Ombudsman Regulation 2007*.

3 Insertion of new pt 1, hdg

Before section 1—

insert—

‘Part 1 Preliminary’.

4 Insertion of new pt 2, hdg

After section 2—

insert—

‘Part 2 General provisions’.

5 Insertion of new pt 3

After section 4—

insert—

‘Part 3 Supplementary fees for 2009 financial year

‘5 Purpose of pt 3

‘The purpose of this part is to impose under section 70(2) of the Act a supplementary fee on all energy entities who—

- (a) are scheme members for all or part of the assessed period; and

- (b) have relevant performance costs for the 2009 financial year.

‘6 Definitions for pt 3

‘In this part—

2009 financial year means the financial year starting on 1 July 2008.

actual supplementary fee see section 9(1)(a).

assessed period means the period beginning on 1 March 2009 and ending on 30 June 2009.

invoiced supplementary fee see section 7(1)(a).

relevant performance costs, for a scheme member for a period, are the costs incurred by the energy ombudsman during the period to perform the ombudsman’s functions relating to the member, as worked out under the budget guidelines prepared under section 75 of the Act, in relation to dispute referrals made to the ombudsman for the member.

‘7 When invoiced supplementary fee is payable

- ‘(1) The energy ombudsman must, before 31 March 2009—
 - (a) work out under section 8 the supplementary fee (the *invoiced supplementary fee*) payable by each energy entity who is a scheme member on 1 March 2009; and
 - (b) if any fee is payable, give the scheme member an invoice for the fee.
- ‘(2) The invoiced supplementary fee is payable to the energy ombudsman office within 14 days after the scheme member receives the invoice.

‘8 Working out invoiced supplementary fee

- ‘(1) This section provides for the working out of a scheme member’s invoiced supplementary fee.

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‘(2) A scheme member’s invoiced supplementary fee is worked out by applying the following formula—

$$\frac{C \times \$600000}{T}$$

where—

C means the scheme member’s relevant performance costs for the relevant period.

T means the sum of the relevant performance costs relating to the relevant period for all scheme members who are scheme members on 1 March 2009.

‘(3) In this section—

relevant period means the period starting on 1 July 2008 and ending on 28 February 2009.

‘9 Adjustment for actual supplementary fee

‘(1) The energy ombudsman must, before 1 September 2009—

(a) work out under section 10 the supplementary fee (the *actual supplementary fee*) payable by each scheme member who is a scheme member for all or part of the assessed period; and

(b) either—

(i) if the invoiced supplementary fee is greater than the actual supplementary fee—pay the scheme member the difference (the *positive figure*); or

(ii) if the invoiced supplementary fee is less than the actual supplementary fee—give the scheme member an invoice for the difference.

‘(2) If subsection (1)(b)(ii) applies, the difference is payable to the energy ombudsman office within 14 days after the scheme member receives the invoice.

‘(3) The scheme member is not entitled to, or to be credited for, interest on the positive figure.

- ‘(4) For applying subsection (1)(b) for a scheme member who is not given an invoice to pay an invoiced supplementary fee before 31 March 2009, the invoiced supplementary fee is taken to be \$0.

Example of a scheme member who is not given an invoice to pay an invoiced supplementary fee—

an energy entity who becomes a scheme member during the assessed period

‘10 Working out actual supplementary fee

- ‘(1) This section provides for the working out of a scheme member’s actual supplementary fee.
- ‘(2) A scheme member’s actual supplementary fee is worked out by applying the following formula—

$$\frac{C \times (A - B)}{T}$$

where—

C means the scheme member’s relevant performance costs for the 2009 financial year.

A means the actual costs of the energy ombudsman office for the 2009 financial year.

B means the budget of estimated costs of the energy ombudsman office for the 2009 financial year, approved by the Minister under section 74(2) of the Act.

T means the total of the relevant performance costs for all scheme members who are scheme members for all or part of the assessed period for the 2009 financial year.’.

ENDNOTES

- 1 Made by the Governor in Council on 12 February 2009.
- 2 Notified in the gazette on 13 February 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Mines and Energy.

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