

Energy and Water Ombudsman Amendment Bill 2015

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Mark Bailey MP

Title of the Bill

Energy and Water Ombudsman Amendment Bill 2015

Objectives of the Amendments

The objective of this amendment to the Energy and Water Ombudsman Amendment Bill 2015 (the Bill) is to allow the Energy and Water Ombudsman (the Ombudsman) to disclose the customer identifying information of a customer who brings a dispute to the Energy and Water Ombudsman Queensland (EWOQ) to the relevant energy or water entity for the purposes of invoicing the entity for user-pays fees for *all* case types. Previously, the Bill only allowed for this in relation to the invoicing of energy and water entities for user-pays fees for one specific case type known as ‘refer back to provider’.

Achievement of the Objectives

The policy objective will be achieved by the passage of this amendment.

Alternative Ways of Achieving Policy Objectives

There are no other methods of achieving these policy objectives.

Estimated Cost for Government Implementation

No cost is expected to be associated with the passage of these amendments.

Consistency with Fundamental Legislative Principles

No fundamental legislative principle issues have been identified in relation to these amendments.

Consultation

The Office of the Queensland Parliamentary Council and a designated Privacy Officer on behalf of the Queensland Privacy Commissioner were consulted in relation to this amendment.

NOTES ON PROVISIONS

Clause 1 amends clause 11 of the Bill by removing amendments to section 25A of the *Energy and Water Ombudsman Act 2006* (Qld) (the EWO Act) and inserting a new section 25B. Clause 1 has the effect of allowing EWOQ to disclose a customer's customer identifying information to a utility (energy or water) entity, but only to the extent reasonably necessary for the invoicing of the entity for user-pays fees (for all case types). This new section includes the example of a utility entity using a customer's account number to confirm that it is being charged user-pays fees for a complaint relating to one of its customers (and not another entity's customers). This section also outlines that the disclosure of customer identifying information applies to situations where an eligible customer makes a dispute referral to EWOQ but EWOQ advises the customer that the customer either cannot make the dispute referral (under section 19A(1)(c)), or EWOQ refuses to investigate the dispute referral or continue the investigation of the dispute referral (under section 22(1)(d)).

Clause 2 amends Clause 14 of the Bill. Clause 2 has the effect of replacing a reference to section 25A in section 79 of the EWO Act with a reference to new section 25B. This is necessary as a result of amendments made under Clause 1 described above.