



Queensland

Energy and Water Ombudsman Amendment Bill 2015

Includes amendments agreed during Consideration



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2015

A Bill

for

**An Act to amend the *Energy and Water Ombudsman Act 2006*
and the *National Energy Retail Law (Queensland) Act 2014* for
particular purposes**

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Energy and Water Ombudsman Amendment Act 2015*.

2 Commencement

- (1) This Act, other than sections 7 and 10, commences on a day to be fixed by proclamation.
- (2) Sections 7 and 10 commence on 1 January 2016.

Part 2 Amendment of Energy and Water Ombudsman Act 2006

3 Act amended

This part amends the *Energy and Water Ombudsman Act 2006*.

4 Amendment of s 3 (Main purpose of Act)

Section 3(a), ‘small customers (energy)’—
omit, insert—
relevant energy customers

5 Amendment of s 6B (Who is an *eligible customer*)

Section 6B, ‘small customer (energy)’—

omit, insert—

relevant energy customer

6 Insertion of new ss 6C and 6D

After section 6B—

insert—

6C Who is an *eligible non-residential energy customer*

(1) An *eligible non-residential energy customer* is a business customer who consumes electricity at business premises—

(a) at or above the upper consumption threshold; and

(b) at not more than 160MWh a year.

(2) However, an *eligible non-residential energy customer* does not include the State or the Commonwealth.

(3) In this section—

business customer see the NERL (Qld).

business premises see the NERL (Qld).

upper consumption threshold means the upper consumption level under the NERL (Qld).

6D Who is a *relevant energy customer*

A *relevant energy customer* is—

(a) a small customer (energy); or

(b) an eligible non-residential energy customer.

[s 7]

7 Amendment of s 11 (Functions)

(1) Section 11(1)(e)—

renumber as section 11(1)(f).

(2) Section 11(1)—

insert—

- (e) subject to this Act, and to recognition given by a notice under the Privacy Act, section 35A, to receive, investigate, facilitate the resolution of, make decisions and recommendations for, and report on complaints about acts or practices of scheme participants that may be an interference with the privacy of an individual within the meaning of section 13(1) or (2) of that Act; and

8 Amendment of s 12 (Restrictions on functions—energy entities)

Section 12(1)(c), ‘small customers (energy)’—

omit, insert—

relevant energy customers

9 Amendment of s 18 (Disputes relating to energy entities that may be referred to energy and water ombudsman)

Section 18(1)(a) and (5), ‘small customer (energy)’—

omit, insert—

relevant energy customer

10 Insertion of new s 18B

After section 18A—

insert—

18B Dispute may involve complaint about interference with privacy

A dispute about the performance of a utility entity's function as mentioned in section 18(1)(a) or 18A(1) may involve a complaint that an act or practice relevant to the entity's performance of the function was or is an interference with the privacy of an individual within the meaning of the Privacy Act, section 13(1) or (2).

11 Insertion of new s 25B

Part 3—

insert—

25B Disclosure of customer identifying information

- (1) The making of a dispute referral by an eligible customer is, of itself, taken to be agreement by the customer to the customer's customer identifying information being disclosed to a utility entity to the extent reasonably necessary for invoicing the utility entity for a user-pays fee.

Example—

disclosing the customer account number of an eligible customer to the utility entity to allow the entity to confirm that the account is held with the entity

- (2) Without limiting subsection (1)—
 - (a) the making of a dispute referral by an eligible customer includes—
 - (i) the purported or proposed making of a dispute referral by an eligible customer if the energy and water ombudsman advises the customer that, under section 19A(1)(c), the customer can not make the dispute referral; and

[s 12]

- (ii) the making of a dispute referral by an eligible customer even though the energy and water ombudsman refuses, under section 22(1)(d), to investigate the dispute referral or to continue the investigation of the dispute referral; and
- (b) for an eligible customer who is an individual, this section applies for any IPP under the *Information Privacy Act 2009*.

12 Amendment of s 64 (Scheme participation—energy entities)

Section 64(1) and (2), ‘small customer (energy)’—

omit, insert—

relevant energy customer

13 Amendment of s 78 (Reports and observations on energy and water ombudsman’s initiative)

Section 78(1)—

insert—

- (g) the Information Commissioner within the meaning of the *Australian Information Commissioner Act 2010* (Cwlth).

14 Amendment of s 79 (Privacy)

Section 79—

insert—

- (7) Without limiting section 25B, agreement of an eligible customer under the section may also have effect as consent under subsection (3)(b).

15 Amendment of schedule (Dictionary)

(1) Schedule—

insert—

eligible non-residential energy customer see section 6C.

Privacy Act means the *Privacy Act 1988* (Cwlth).

relevant energy customer see section 6D.

(2) Schedule, definition *non-entity party*, paragraph (a), ‘small customer (energy)’—

omit, insert—

relevant energy customer

Part 3 Amendment of National Energy Retail Law (Queensland) Act 2014

16 Act amended

This part amends the *National Energy Retail Law (Queensland) Act 2014*.

17 Amendment of Schedule (Modification of application of National Energy Retail Law)

Schedule, item 15, inserted section 22A(3)(b), ‘section 89B’—

omit, insert—

section 89E