



Queensland

*Energy Ombudsman Act 2006*

# Energy Ombudsman Regulation 2007

Reprinted as in force on 19 February 2010

Reprint No. 1B

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the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This regulation is reprinted as at 19 February 2010. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Energy Ombudsman Regulation 2007

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	3
2	Commencement . . . . .	3
<b>Part 2</b>	<b>General provisions</b>	
3	Requirement of retailer to notify event starting scheme membership . . . . .	3
4	Prescribed amounts for membership fee for Maranoa and Western Downs Regional Councils—Act, s 67. . . . .	4
<b>Part 3</b>	<b>Supplementary fees for 2009 financial year</b>	
5	Purpose of pt 3. . . . .	4
6	Definitions for pt 3. . . . .	4
7	When invoiced supplementary fee is payable . . . . .	5
8	Working out invoiced supplementary fee . . . . .	5
9	Adjustment for actual supplementary fee . . . . .	6
10	Working out actual supplementary fee . . . . .	6
<b>Endnotes</b>		
1	Index to endnotes. . . . .	8
2	Date to which amendments incorporated. . . . .	8
3	Key . . . . .	8
4	Table of reprints . . . . .	9
5	List of legislation. . . . .	9
6	List of annotations . . . . .	9



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# Energy Ombudsman Regulation 2007

[as amended by all amendments that commenced on or before 19 February 2010]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Energy Ombudsman Regulation 2007*.

### 2 Commencement

This regulation commences on 1 July 2007.

## Part 2 General provisions

### 3 Requirement of retailer to notify event starting scheme membership

- (1) This section applies to a retailer who first enters into a contract for the provision of, or who first starts to provide, customer retail services to a small customer.
- (2) The retailer must, within 10 business days after entering into the contract or starting to provide the services, give the energy ombudsman notice of that fact in the form approved under section 82 of the Act.

Maximum penalty—20 penalty units.

*Note—*

The events mentioned in subsection (1) mark the start of scheme membership. See section 64(1) of the Act.

[s 4]

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#### **4 Prescribed amounts for membership fee for Maranoa and Western Downs Regional Councils—Act, s 67**

- (1) This section applies if the Maranoa Regional Council or the Western Downs Regional Council is an energy entity providing customer connection services or customer retail services under the *Gas Supply Act 2003*.
- (2) For the Maranoa Regional Council, the amount prescribed under section 67(1)(a)(i) and (c)(i) of the Act is \$50 for each provision.
- (3) For the Western Downs Regional Council, the amount prescribed under section 67(1)(a)(i) and (c)(i) of the Act is \$250 for each provision.

### **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.
- (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—

[s 9]

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*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 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	8
3 Key . . . . .	8
4 Table of reprints . . . . .	9
5 List of legislation . . . . .	9
6 List of annotations . . . . .	9

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 19 February 2010. Future amendments of the Energy Ombudsman Regulation 2007 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2007	
1A	2009 SL No. 12	13 February 2009	
1B	2010 SL No. 13	19 February 2010	

## 5 List of legislation

### **Energy Ombudsman Regulation 2007 SL No. 124**

made by the Governor in Council on 14 June 2007

notfd gaz 15 June 2007 pp 892–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2007 (see s 2)

[exp 1 September 2017](#) (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Energy Ombudsman Amendment Regulation (No. 1) 2009 SL No. 12**

notfd gaz 13 February 2009 pp 722–3

commenced on date of notification

### **Environment and Resource Management and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 13 pts 1–2**

notfd gaz 19 February 2010 pp 407–9

commenced on date of notification

## 6 List of annotations

### **PART 1—PRELIMINARY**

**pt hdg** ins 2009 SL No. 12 s 3

### **PART 2—GENERAL PROVISIONS**

**pt hdg** ins 2009 SL No. 12 s 4

### **Prescribed amounts for membership fee for Maranoa and Western Downs Regional Councils—Act, s 67**

**s 4** sub 2010 SL No. 13 s 3

**PART 3—SUPPLEMENTARY FEES FOR 2009 FINANCIAL YEAR**  
**pt 3 (ss 5–10)** ins 2009 SL No. 12 s 5

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