

# Energy and Water Ombudsman Regulation 2022

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Mick de Brenni, Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement, and, I, Glenn Butcher, Minister for Regional Development and Manufacturing and Minister for Water, provide this human rights certificate with respect to the *Energy and Water Ombudsman Regulation 2022* made under the *Energy and Water Ombudsman Act 2006* (EWO Act).

In our opinion, the *Energy and Water Ombudsman Regulation 2022*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. We base our opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

The main purpose of the EWO Act is to ensure small energy and water customers have access to a free, timely, effective and independent dispute resolution service.

The regulation will:

- Set appropriate participation fees for the Maranoa and Western Downs Regional Councils based on the fact that the Councils are not standard retailers (like other energy scheme participants) and are in fact recognised as ‘exempt sellers’ for gas under the National Energy Retail Law;
- Prescribe identified ‘exempt sellers’, ‘exempt network operators’, and ‘individual exemption holders’ (who sell electricity to residential embedded network customers) as ‘prescribed energy entities’ ensuring their residential customers can access the free, energy-specific dispute resolution services provided by the Energy and Water Ombudsman Queensland (EWOQ);
- Clarify that entities that have been granted a retailer authorisation from the Australian Energy Regulator (AER) allowing them to on-sell electricity to embedded network customers in Queensland (note: they are not ‘exempt sellers’, ‘exempt network operators’ or ‘individual exemption holders’), are considered to be ‘scheme participants’ for the purposes of the EWO Act by prescribing them as ‘prescribed energy entities’;
- Prescribe the fees payable to EWOQ by the ‘prescribed energy entities’ and ensure the fees payable reflect the ‘prescribed energy entity’s’ ability to pay; and
- Prescribe the mandatory requirement for retailers to notify EWOQ when they commence providing customer retail services.

## Human Rights Issues

### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The operation of the *Energy and Water Ombudsman Regulation 2022* does not limit or affect any of the rights listed in the *Human Rights Act 2019*: civil and political, or, economic, social and cultural. The *Energy and Water Ombudsman Regulation 2022* is compatible with and supports Human Rights even though it does not engage them.

## Conclusion

We consider that the *Energy and Water Ombudsman Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**MICK DE BRENNI MP**  
MINISTER FOR ENERGY, RENEWABLES AND HYDROGEN  
MINISTER FOR PUBLIC WORKS AND PROCUREMENT

**GLENN BUTCHER MP**  
MINISTER FOR REGIONAL DEVELOPMENT AND MANUFACTURING  
MINISTER FOR WATER

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