

# EWON Membership Application Pack

Information to assist applicants who operate with a  
retail authorisation

Last updated July 2023

**Energy & Water  
Ombudsman NSW**

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## 1. Introduction

This application pack will assist you in putting together the information necessary for your application and in completing the EWON Membership Application form and Agreement.

In addition to the material in the pack, you will need to complete the Membership Application Form, Membership Agreement and Contacts List which are provided separately.

All Members also need to have a complaints policy in place. We have a full complaint policy template and a concise complaint policy template, which you can adopt if you wish. These are also provided separately to make it easier for you to access.

We have also included an application checklist. Please ensure all the information referred to in the checklist is submitted with your application form and member agreement. This will assist us in preparing your application for consideration by the EWON Board.

## 2. The Application Process

Membership decisions are made by the EWON Board. Documentation you provide needs to make clear how you will satisfy the criteria for membership of EWON. This includes information about your internal complaint and dispute resolution process, as well as how you will make customers aware that they can come to EWON at any time for independent advice and assistance, as well as if they are dissatisfied with the outcome of a complaint to your organisation.

All information to support an application needs to be provided at least four weeks prior to a Board meeting. Only in the most exceptional circumstances will the Board consider an application out of session. Please contact us to discuss when you plan to enter the NSW market and we can discuss the required timeframe for your application.

### 3. About EWON

EWON is the government approved dispute resolution scheme for New South Wales electricity and gas customers, and some water customers. EWON was founded in 1998 as an industry-based Ombudsman scheme to independently resolve complaints about Members of the scheme. EWON is a company limited by guarantee, with each member's liability on winding up not exceeding \$100.

As an Ombudsman scheme, we work towards a fair and reasonable outcome for all parties. We are an independent body – we are not a consumer advocate, nor do we represent industry.

We don't just handle complaints – the work we do in the areas of policy and influencing, systemic issues, stakeholder engagement, outreach and awareness raising is also important.

#### EWON Constitution and Charter

- EWON operates according to its [Constitution](#) and [Charter](#)
- Under the Constitution, the **EWON Board** is responsible for corporate governance, funding, policy and strategy. The EWON Board ensures the organisation's independence through its composition of consumer and industry representatives.
- A **Consultative Council meeting** is also established under the Constitution to provide a forum for us to engage and consult with stakeholders, including consumer groups and small business and Members.

#### Principal responsibilities from the Charter

- **Handle complaints** about the conduct of providers of energy or water services fairly, informally and expeditiously, without charge to the person making the enquiry or complaint.
- **Promote EWON** to consumers and small businesses.
- Encourage and provide advice to Members on the development and maintenance of good complaint-handling practices to assist in the **reduction and avoidance of complaints**.

#### Our Mission

We aim to provide high quality, independent dispute resolution and to help raise customer service standards in the energy and water industries.

For more information see our website [ewon.com.au](http://ewon.com.au)

## 4. Complaint handling resources

Under the National Energy Retail Law every retailer and distributor must have a set of procedures for dealing with customer complaints and these procedures must be published on their website.

### **Section 81 of the National Energy Retail Law states:**

#### **Standard complaints and dispute resolution procedures**

- (1) Every retailer and every distributor must develop, make and publish on its website a set of procedures detailing the retailer's or distributor's procedures for handling small customer complaints and disputes, to be known as its standard complaints and dispute resolution procedures.
- (2) The procedures must be regularly reviewed and kept up to date.
- (3) The procedures must be substantially consistent with the Australian Standard AS ISO 10002-2006 (Customer satisfaction—Guidelines for complaints handling in organizations) as amended and updated from time to time.

Please note the most recent Australian Standard is: Australian Standard Guidelines for complaint handling in organizations AS 10002:2022

The National Energy Retail Law also states that in dealing with customer disputes retailers and distributors must advise the customer that if they are not satisfied with the outcome they can contact EWON and provide the customer with our contact details.

### **Section 82 of the National Energy Retail Law states:**

#### **Complaints made to retailer or distributor for internal resolution**

- (1) A small customer may make a complaint to a retailer or distributor about a relevant matter, or any aspect of a relevant matter, concerning the customer and the retailer or distributor.
- (2) The retailer or distributor must deal with the complaint if it is made in accordance with the retailer's or distributor's standard complaints and dispute resolution procedures, including any time limits applicable under those procedures for making a complaint.
- (3) The complaint must be handled in accordance with the retailer's or distributor's standard complaints and dispute resolution procedures, including any time limits applicable under those procedures for handling a complaint.
- (4) The retailer or distributor must inform the small customer of the outcome of the
- (5) complaint process, and of the retailer's or distributor's reasons for the decision regarding the outcome, as soon as reasonably possible but, in any event, within any time limits applicable under the retailer's or distributor's standard complaints and dispute resolution procedures.
- (6) A retailer or distributor must inform a small customer—
  - (a) that, if the customer is not satisfied with the outcome, the customer may make a complaint or take a dispute to the energy ombudsman; and
  - (b) of the telephone number and other contact details of the energy ombudsman.

## Information for customers and referral to EWON

The following provides guidance about the information that must be provided to customers about EWON and how to refer to EWON in your complaint handling material and on your website.

EWON's Constitution requires members to inform customers that EWON is available to provide them with a free complaints resolution service. This includes making customers aware that they can come directly to EWON at any time for independent advice and information, in addition to being able to come to EWON if they are dissatisfied with the outcome of their complaint.

This information is to be provided to customers verbally, in writing, on your website and in your dispute resolution policy.

The EWON Board has formed the view that material which informs customers about EWON, including Member websites, should align with six key elements. The notification to customers must:

1. use language or other means of communication that are reasonably clear to people across the full range of the providers' customers;
2. be provided in a position and format that is reasonably accessible to those customers when it is currently relevant to them;
3. state that EWON is a free and independent service that can provide information, advice and assistance to customers having concerns about any of the provider's services (subject to any specified exceptions);
4. not state or imply that customers must take their concerns to the provider before contacting EWON;
5. not state or imply that contacting EWON is unlikely to be of assistance to a customer;
6. include contact details for EWON and a link or address for the EWON website.

The Board has also noted that these key elements do not prevent providers from strongly encouraging customers to contact them first and explaining the potential benefits of doing so. Indeed, EWON welcomes appropriate statements of this kind.

## Promotion of IDR/EDR

### Why is it important to promote EDR?

Clear, informative and effective promotion of Internal Dispute Resolution (IDR) and External Dispute Resolution (EDR) is now more important than ever. Promotion of EDR builds confidence and trust in the sector and demonstrates commitment to effective internal dispute resolution and provision of consumer protections.

Your complaint handling policy, information about how to lodge a complaint and all complaint communication, verbal and written, should be clear and accessible to all customers. To assist with this, you can access our resources, including the EWO brochure, checklist, and best practice examples by clicking [here](#).

## Suggested wording

Below are two examples to assist you develop your customer referral to EWON. Your referral should reflect your brand/style and be aligned with your internal dispute resolution (IDR) process. Your IDR process should be in accordance with the Australian and NZ Standard Guidelines for complaint handling in organisations AS 10002:2022.

### Example 1:

*We have an easy accessible complaints process in place should something go wrong. Please note that you also always have the option to contact the Energy & Water Ombudsman NSW (EWON) at any time for independent advice and assistance. EWON's contact details are below.*

### **Energy & Water Ombudsman NSW**

**Freecall:** 1800 246 545

**Freefax:** 1800 812 291

**Website:** [www.ewon.com.au](http://www.ewon.com.au)

**Post:** Reply Paid 86550, Sydney South NSW 1234

### Example 2:

*All our customers have the right to contact the Energy & Water Ombudsman NSW (EWON) at any time for independent advice and assistance. However, we do hope you will contact us directly to allow us the opportunity to rectify any issues. EWON's contact details are below.*

#### **Energy & Water Ombudsman**

**NSW Freecall:** 1800 246 545

**Freefax:** 1800 812 291

**Website:** [www.ewon.com.au](http://www.ewon.com.au)

**Post:** Reply Paid 86550, Sydney South NSW 1234

## Website content

The Energy & Water Ombudsman NSW (EWON) role and contact details should be readily available and easy to access via our website and in correspondence to customers.

Under the National Energy Retail Rules your website must contain our contact details.

#### **Rule 56 of the National Energy Retail Rules states:**

##### **56 Provision of information to customers**

- (1) A retailer must publish on its website a summary of the rights, entitlements and obligations of small customers, including:
  - (a) the retailer's standard complaints and dispute resolution procedure; and
  - (b) the contact details for the relevant energy ombudsman.

#### **Rule 80 of the National Energy Retail Rules states:**

##### **80 Provision of information to customers**

- (1) A distributor must publish the following information on its website:
  - (ii) the contact details for the energy ombudsman.

Ideally, a provider's website has a search function that directs customers to the correct area when typing the words 'complaint', 'dispute' and 'ombudsman'. If a search function is not available, the information should be placed in a logical place and be easy to navigate for a full range of customers.

The website should provide customers with clear information on how to lodge a complaint your organisation and provide information on the role of EWON and our free and independent dispute resolution service.

## Additional complaint handling resources

### AS 10002:2022 Guidelines for complaint management in organisations

The object of this Standard is to provide guidance on complaint management to organisations, including the planning, design, operation, maintenance and improvement.

These guidelines can be accessed via the Standards Australia website.

<https://www.standards.org.au/standards-catalogue/sa-snz/other/qr-015/as--10002-colon-2022>

### Society of Consumer Affairs Professionals - Small Business Complaints Toolkit

A practical guide for complaint handling with tips, tools and resources to help you deal with complaints in your business.

<https://www.socap.org.au/index.cfm//resource-hub/small-business-complaints-toolkit/>

### Victorian Ombudsman Good Practice Guide Feb 2022

<https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/managing-complex-complainant-behaviour/>

### NSW Ombudsman, Complaint management framework and model policy June 2015

[https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0008/129761/Complaint-management-framework-June-2015.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0008/129761/Complaint-management-framework-June-2015.pdf)

### NSW Ombudsman Effective complaint handling guidelines, 3rd Edition, February 2017

[https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0020/131096/Effective-complaint-handling-guidelines-Third-edition.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0020/131096/Effective-complaint-handling-guidelines-Third-edition.pdf)

### QLD Ombudsman, Guide to developing effective complaints management policy and procedures

<http://www.ombudsman.qld.gov.au/Publicagencies/Resources/EffectiveComplaintsManagement/ComplaintsManagementResources/tabid/93/Default.aspx>

### Ombudsman Western Australia Guidelines on complaint handling, November 2010

<http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Binder-Complaint-Handling.pdf>

### Commonwealth Ombudsman, Better Practice Guide to complaint handling, April 2009

<http://www.ombudsman.gov.au/publications/better-practice-guides>

## Documentation for your application

All new member applications must include documentation that clearly demonstrates the applicant has satisfied all the criteria above. You should send us copies of your policies, screen shots or links to your website with your application, along with confirmation that your staff have received training about telling customers about EWON.



## 5. FY24 Member Fees

### Overview

EWON is an industry Ombudsman funded by members on a not-for-profit basis. Fees cover all operational activities under the EWON Charter:

- Promotion of member internal dispute resolution
- Awareness of EWON and external dispute resolution
- Policy influence and systemic issues
- Dispute resolution.

EWON funding remains based on the **user pays principle** and is underpinned by:

- equity and fairness
- transparency and efficiency
- consistency and predictability
- simplicity and affordability.

### FY24 Member Fee Schedule

#### Fee schedule

This schedule is published in line with Clause 6 of the EWON Constitution. The EWON Board set the fees outlined in this schedule and EWON Members are required to pay fees in line with this schedule.

This schedule can be read in conjunction with the [EWON Funding Model Overview](#), which provides more detail about EWON's Funding Model. All fee amounts detailed in this schedule are excluding GST.

#### Fee setting

In May of each year, the EWON Board approves the Total Operating Expenditure Budget.

Annual Member Funding comprises:

- Annual Fixed Fees equal to 15% of the Annual Member Funding; and
- Annual Variable Fees equal to 85% of the Annual Member Funding.

#### Fixed Fees

Fixed Fees have two components:

1. Lights on Fee – 6%
2. Ombudsman Services Fee – 9%

The allocation of fixed fees is based on industry sector and number of customers.

The industry sector shares are based on the proportion of EWON's work allocated to complaints, submissions, outreach, systemic issues and other core activities.

Fixed fees are scaled by the number of customers, set in bandwidths. Bandwidths for each sector take into account the diverse range of members in each sector.

**The industry sector allocation for FY24 Fixed Fees is:**

Industry sector	Share
Energy retail (authorised)	<b>58%</b>
Energy network (licensed)	<b>30%</b>
Water (licensed)	<b>10%</b>
Exempt entity/Water Industry Competition Act (WICA)	<b>2%</b>

**The FY24 Fixed Fees for authorised/licensed energy retail, energy network and water members are:**

Bandwidths		Energy retail (authorised) 58%	Energy network (licensed) 30%	Water (licensed) 10%
1	0 - 2K customers	\$ 2,000	\$ 2,000	\$ 2,000
2	2K - 10K customers	\$ 4,000	\$ 4,000	\$ 4,000
3	10K - 20K customers	\$ 6,000	\$ 6,000	\$ 6,000
4	20K - 50K customers	\$ 8,347	\$ 5,924	\$ 8,723
5	50K - 100K customers	\$ 16,920	\$ 12,008	\$ 10,965
6	100K - 500K customers	\$ 67,680	\$ 48,030	\$ 43,860
7	500K - 1M customers	\$ 169,200	\$ 120,075	\$ 109,650
8	1M+ customers	\$ 225,600	\$ 160,100	\$ 146,200

### FY24 Variable Fees

The cost reflective fee schedule for EWON's operating activities using the complaints category model is set annually. Members are billed quarterly in arrears based on actual resolved complaints.

**The FY24 Variable Fees for each complaint level are:**

Complaint Level	Fee
General enquiry	\$ 200
Complaint enquiry	\$ 325
Refer higher level	\$ 400
Level 1 Investigation	\$ 1,300
Level 2 Investigation	\$ 2,300
Level 3 Investigation	\$ 5,200

### Invoicing

All invoices are issued on the basis of 30-day payment terms.

**The invoicing timetable for FY24 is:**

Invoice issued	Invoice
June 2023	FY2024 Annual Fixed Fee
October 2023	Q1 Variable Fees
January 2024	Q2 Variable Fees
April 2024	Q3 Variable Fees
July 2024	Q4 Variable Fees

### FY24 Joining Fees

The Joining Fee for organisations applying for membership as an authorised/licensed entity will be \$5,500.

## Case Type Definitions

### 1. Enquiry

A general enquiry about energy or water that is not a complaint or is not a complaint about energy and water matters, which is non-member specific and is responded to by EWON and closed without further action.

### 2. Complaint Enquiry

An enquiry that is a request for information or assistance regarding a complaint about an EWON member which can be dealt with quickly and without EWON contacting the member company. Complaint enquiries generally involve EWON providing information to customers, referring them back to the member, and/or referring them to an appropriate agency.

### 3. Refer to Higher Level (RHL)

This gives members a further opportunity to resolve the customers' issues without EWON's involvement, through EWON referrals to the specialised dispute resolution team of the relevant member. RHLs are discussed with the customer who must agree to this process, and the complaint is referred to the member by email. An RHL that comes back to EWON (i.e. the customer was not contacted by the member or was not satisfied with the outcome) would normally then be treated as a Level 1 investigation.

### 4. Level 1 Investigation

A Level 1 investigation is a complaint that has been raised with the member by the customer, and the customer is not satisfied with the member's attempts to resolve the issue. Level 1 investigations may involve several contacts with the customer and the relevant member. A Level 1 investigation will generally not take more than 4 hours to complete.

### 5. Level 2 Investigation

If an investigation cannot be resolved at Level 1 and there are grounds for further investigation, or if the investigation takes more than 4 hours, it is upgraded to Level 2. A Level 2 investigation will generally require a detailed investigation by both EWON and the member company. A Level 2 investigation will generally not take more than 8 hours to complete.

### 6. Level 3 Investigation

If an investigation cannot be resolved at Level 2 and there are grounds for further investigation, or if the investigation takes more than 8 hours, it is upgraded to Level 3. The Ombudsman may make a binding determination to resolve the matter at this stage.

### 7. Determination / Binding Decision

At the completion of an investigation *and in the absence of a negotiated/conciliated settlement*, the Ombudsman can resolve a complaint by making a determination that directs a member to take a particular action. Such determinations are binding on a member if the customer accepts the Ombudsman's decision. Pricing of binding decisions will be based on the Ombudsman's investigation time and effort.

## 6. Your organisational structure and how energy/water is supplied and billed to customers

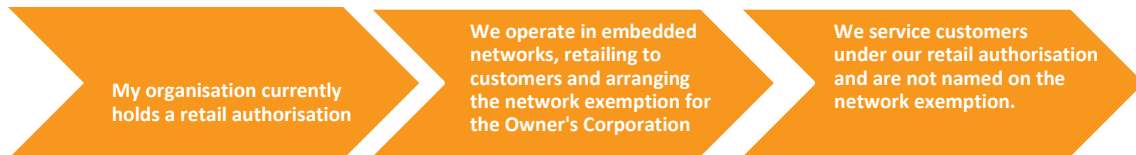
To help us understand how you operate and how you interact with customers we would appreciate some information about your organisational structure and the way you supply and/or bill customers for their energy/water use.

This information will assist us deal with your membership application. You can provide this information in writing or you can provide us with diagrams showing your structures.

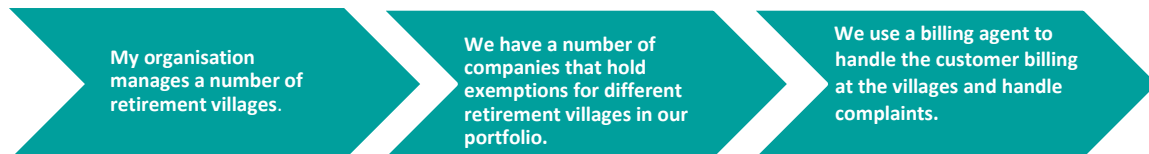
For example:

### Corporate structure

Example 1:



Example 2:



### Details of how energy is supplied and/or billed to customers

Example 1:



Example 2:



## 7. Contact details

To help us ensure our communication gets to the right place in your organisation, please tell us the contact details for the people we should deal with for:

1. Chief Executive Officer/Managing Director – the person authorised to execute the Membership Agreement.
2. Ombudsman contact – The most senior contact in an organisation, in most cases this will be the CEO.
3. Senior Operational contact – Management level but less senior than the Ombudsman contact.
4. Investigations initial contact – First point of contact for complaint handling purposes.
5. Investigations escalation contact – Escalated contact for our Dispute Resolution Team for complaint handling purposes.
6. Membership administration and AGM contact – For issues about changes in membership details, changes in company structure, AGM and voting entitlements.
7. Systemic issues and policy issues contact – Contact for systemic issues management.
8. Billing contact – Contact for us to send invoices to.
9. Media contact – Contact for media enquiries and contact from our communications team.
10. Agent initial contact – Dispute resolution contact where we have an operational agreement with an agent for complaint handling purposes.
11. Agent escalated contact – Dispute resolution contact where we have an operational agreement with an agent for complaint handling purposes.

Please provide the name, position, email address and phone number for each contact. The contact person for all areas can be the same person. You can update these contact details at any time.

CEO/MD	
Name:	
Position:	
Email address:	
Phone number:	

Ombudsman Contact	
Name:	
Position:	
Email address:	
Phone number:	

Senior Operational contact	
Name:	
Position:	
Email address:	
Phone number:	

Investigations initial contact	
Name:	
Position:	
Email address:	
Phone number:	

Investigations escalation contact	
Name:	
Position:	
Email address:	
Phone number:	

Membership administration and AGM	
Name:	
Position:	
Email address:	
Phone number:	

Systemic issues and policy issue contact	
Name:	
Position:	
Email address:	
Phone number:	

Billing contact	
Name:	
Position:	
Email address:	
Phone number:	

Media contact	
Name:	
Position:	
Email address:	
Phone number:	

Agent initial contact	
Name:	
Position:	
Email address:	
Phone number:	

Agent escalated contact	
Name:	
Position:	
Email address:	
Phone number:	

## 8. Checklist

Before completing your application ensure you have included all the required information and documentation to support your application.

Please also check the timing for your application. Your application must be submitted no less than four weeks prior to the next Board meeting.

<input type="checkbox"/>	Completed Membership Application Form.
<input type="checkbox"/>	Completed Membership Agreement – signed by the CEO/MD or equivalent senior executive.
<input type="checkbox"/>	A copy of your AER authorisation.
<input type="checkbox"/>	A copy of your most recent audited financial statements.
<input type="checkbox"/>	Documentation that demonstrates the information available to customers about EWON and your referral to EWON on your website, including:
<input type="checkbox"/>	○ a copy of your Complaints Handling Policy
<input type="checkbox"/>	○ screen shots or links to the relevant sections of your website
<input type="checkbox"/>	○ confirmation of staff training about EWON
<input type="checkbox"/>	○ details of any other ways in which you will tell customers about EWON.
<input type="checkbox"/>	Information about your corporate structure.
<input type="checkbox"/>	Information about how energy is supplied and/or billed to customers.
<input type="checkbox"/>	Contact details for relevant staff in your organisation.