



Energy & Water
Ombudsman NSW
Free, fair and independent

EWON Membership Application Pack

Information to assist applicants who operate under
the exemption framework

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 provided separately to make it easier for you to access.

We have also included an application checklist in the pack. Please ensure all the information referred to in the checklist is submitted with your application form and member agreement. This will assist us in processing your application.

2. The Application Process

Membership decisions are usually made by the EWON Board. The EWON Board has delegated the authority to approve membership to exempt entities to the Ombudsman.

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 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 prior to your application being put forward to the Ombudsman for approval.

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.

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

4. Complaint handling resources

Under the AER Retail Exempt Selling Guidelines and the Electricity Network Service Provider Registration Exemption Guideline there are conditions relating to consumer protections and ensuring customers are aware of the energy ombudsman scheme.

Conditions for exempt sellers

Under the AER Retail Exempt Selling Guideline exempt sellers must provide their contact details to the customer and include those contact details on all billing. The exemption holder must develop a set of procedures for dealing with complaints and inform customers of these procedures including their right to contact the ombudsman to lodge a complaint or receive independent advice and information.

The following conditions apply to exempt sellers and relate to specific consumer protections, complaint handling and referring customers to EWON. These are only some of the conditions that exempt sellers are bound by under the AER Retail Exempt Selling Guideline.

Condition 2 - Information provision

1. The exempt seller must advise exempt customers, in writing, at the start of their tenancy/residency/agreement of the following:
 - a. The legal name, trading name (if relevant) and contact details of the exempt seller
 - d. The exempt customer's rights in relation to dispute resolution including:
 - i. any right the exempt customer has to access the energy ombudsman scheme (if applicable), including to lodge a complaint or for free independent information and advice, or any relevant external dispute resolution body in the state or territory in which the exempt customer is located, and
 - ii. the exempt seller's procedures for handling complaints and disputes.

Condition 3 – Billing and payment arrangements

3. An exempt seller must include the following particulars in a bill for an exempt customer:
 - a. the legal name, trading name (If relevant) and contact details of the exempt seller.

Condition 9 - Payment difficulties and disconnection or de-energisation

4. A disconnection warning notice issued pursuant to condition 9(2)(d)(ii) must:
 - d. include details (where applicable) of the existence and operation of the energy ombudsman, including contact details and
 - e. include contact details for the exempt seller.

Condition 10 - When disconnection or de-energisation is prohibited

1. An exempt seller must not disconnect or cease energy supply to an exempt customer's premises where:
 - c. the exempt customer has made a complaint directly related to the proposed reason for disconnection or de-energisation to the exempt seller, the energy ombudsman or another relevant external dispute resolution body and the complaint remains unresolved

Condition 16 – Dispute resolution

1. An exempt seller must develop and make a set of procedures, detailing the exempt seller's procedures for handling complaints and disputes, and those procedures must be provided to exempt customers in accordance with condition 2(1)d(i)
2. The procedures must be consistent with the Australian Standard *AS 1002:2022 Guidelines for complaint management in organizations* (or subsequent versions).

3. In the event of a complaint or a dispute concerning the sale of energy to an exempt customer, and consistent with any determination of the complaint by the relevant tenancy tribunal if the customer is a tenant, the exempt seller must:
 - c. advise the exempt customer:
 - i. of any right the exempt customer has to access an energy ombudsman (if applicable), including to lodge a complaint or for free independent information and advice, or any other external dispute resolution body in the state or territory where the exempt customer is located, and
 - ii. of the telephone number and other contact details of the energy ombudsman (if applicable).

Conditions for exempt networks

Under the Electricity Network Service Provider Registration Exemption Guideline exempt networks must develop a set of procedures for dealing with complaints and inform customers of these procedures including their right to contact the ombudsman to lodge a complaint or receive independent advice and information.

The following conditions apply to exempt networks and relate to specific consumer protections, complaint handling and referring customers to EWON. These are only some of the conditions that exempt sellers are bound by under the Electricity Network Service Provider Registration Exemption Guideline.

4.1 General requirements

- 4.1.6.** Where charges are to apply for services provided by, or in connection with, an exempt network, the following dispute resolution conditions apply:
- (a) An exempt person must develop and make a set of procedures detailing the exempt person's procedures for handling complaints and disputes, and those procedures must be provided to exempt customers in accordance with condition 4.8.1.1(b)(i).
 - (b) The procedures must be consistent with the Australian Standard *AS 10002:2022 Guidelines for complaint management in organizations* as amended and updated from time to time.
 - (c) In the event of a complaint or dispute concerning the supply of energy to an exempt customer, and in the absence of a determination of the relevant tenancy tribunal if the customer is a tenant, the exempt person must:
 - i. deal with the complaint or dispute in accordance with the exempt person's procedures for handling complaints and disputes, and
 - ii. make reasonable endeavours to resolve the dispute, and advise the exempt customer:
 - of any right the exempt customer has to access an energy ombudsman (if applicable), including to lodge a complaint or for free independent information and advice, or any other external dispute resolution body in the State or Territory where the exempt customer is located, and
 - of the telephone number and other contact details of the energy ombudsman (if applicable).

A dispute resolution mechanism does not require approval by the AER but must be of a type ordinarily applicable to disputes of the kind, be reasonably accessible, timely, binding on the parties to the dispute and not subject to excessive or unnecessary costs nor to costs disproportionate to the amount in dispute.

Where a network owner or operator appoints an agent they, as the principal, remain responsible for ensuring this condition is satisfied.

4.8 Information provision

An Exempt Network Operator must provide information to customers on request, maintain a contact point and keep records as set out in this condition 4.8.

4.8.1 Provision of information to exempt customers

1. The Exempt Network Operator must advise an exempt customer, in writing, at the start of their tenancy/electricity sale agreement of the following:
 - a. any right of the exempt customer, under State or Territory laws, to elect to purchase energy from a retailer of their choice and information on the options for metering that would allow this choice
 - b. the exempt customer's rights in relation to dispute resolution including:
 - i. any right that the exempt customer has to access the energy ombudsman scheme (if applicable), including to lodge a complaint or for free independent information and advice, or any other relevant external dispute resolution body in the State or Territory in which the exempt customer is located.
 - ii. the exempt person's procedures for handling complaints and disputes.

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 complaint's resolution service. This includes making customers aware that they can come directly to EWON for independent advice and assistance.

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 is an example 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 AS10002:2022.

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

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

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 your website and in correspondence to customers.

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 with 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

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

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 of 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)	58%
Energy network (licensed)	30%
Water (licensed)	10%
Exempt entity/Water Industry Competition Act (WICA)	2%



The FY24 Fixed Fees for exempt entity/WICA members are:

Bandwidths		Exempt entity/ WICA 2%
1	0 - 20 customers	\$ 0
2	21 - 100 customers	\$ 75
3	101 - 500 customers	\$ 150
4	501 - 2,000 customers	\$ 475
5	2,001 - 5,000 customers	\$ 2,500
6	5,001+ customers	\$ 4,000

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. The Joining Fee for exempt entity/WICA organisations is based on the number of customers, set in bandwidths. New Members are invoiced the Joining Fee and Fixed Fee when membership is approved.

The FY24 Joining Fees for exempt entity/WICA organisations are:

	Bandwidths		Joining Fee
	Lower	Higher	
1	0	20	\$ 125
2	21	100	\$ 125
3	101	500	\$ 250
4	501	2,000	\$ 2,500
5	2,001	5,000	\$ 5,000
6	Over 5,001		\$ 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. Customer numbers

Under Clause 6 of the EWON Constitution each member agrees to pay all EWON fees and supply EWON with any information required to calculate any fees. As detailed in the Summary of Member Fees and Levies some of EWON's fees are charged to members based on the number of customers the member has.

Under the EWON Constitution the total number of customers each member has is made up of the number of customers in each industry sector, defined in the Constitution as energy retail, energy network, and water, and within this the number of electricity and gas customers a member may have within an industry sector (see the definition of "Customer Number" in the Constitution).

For example:

- If you hold a retail and network exemption for a residential complex with 50 apartments the total customer numbers will be calculated as follows:
 - Retail exemption (R2) = 50 customers
 - Network exemption (NR2) = 50 customers
 - Total customers = 100 customers

- If you hold a retail and network exemption for two residential parks with 20 sites at each park the total customer numbers will be calculated as follows:
 - Park 1
 - Retail exemption (R4) = 20 customers
 - Network exemption (NR4) = 20 customers
 - Park 2
 - Retail exemption (R4) = 20 customers
 - Network exemption (NR4) = 20 customers
 - Total customers = 80 customers

Please complete the table below which will allow us to appropriately calculate the fees payable. If you have any questions, please contact us.

Regulatory status	Number of Customers
Electricity retail exemption (D2) (R2) (R3) (R4)	
Electricity network exemption (ND2) (NR2) (NR3) (NR4)	
Gas retail exemption (D2) (R2) (R3) (R4)	
Gas network exemption (ND2) (NR2) (NR3) (NR4)	

7. Exemption site addresses

To assist us understand your operations and appropriately process any customer enquiries or complaints we may receive we need to know the site addresses at which you operate. We would also appreciate you advising us of the number of customers at each site.

You can provide this information by completing the table below or in another format that may be more convenient for you.

Exemption class	Site address	Number of customers
<i>For example - R2</i>	<i>4 Five Street Sydney 2000</i>	<i>25</i>

Please let us know by email if there are any changes to the exemption details and/or addresses, including new sites you acquire or sites that have been sold.

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

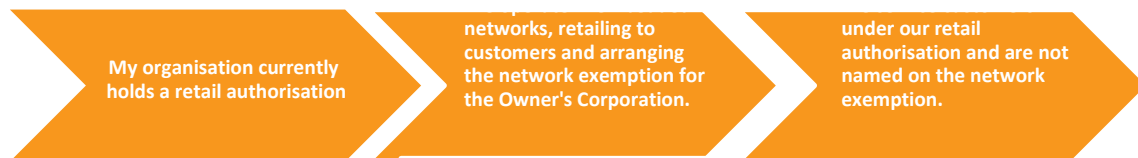
To help us understand how you operate and how you interact with customers we would appreciate some information about your organisational structure and the way you supply and/or bill customers for their energy use.

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:

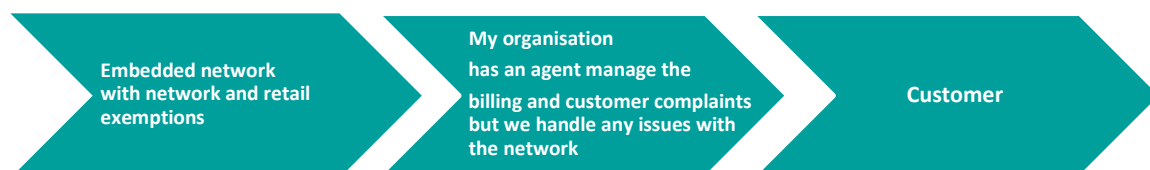


Details of how energy is supplied and/or billed to customers

Example 1:



Example 2:



9. 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:	



10. Checklist

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

* Required information

<input type="checkbox"/>	*Completed Membership Application Form.
<input type="checkbox"/>	*Completed Membership Agreement – signed by the CEO/MD or equivalent senior Executive (please return this as a scanned PDF if possible).
<input type="checkbox"/>	*Details of the registration of exemptions – such as the AER reference number and/or date the registration became effective, if available.
<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"/>	o *a copy of your Complaints Handling Policy
<input type="checkbox"/>	o screen shots or links to the relevant sections of your website
<input type="checkbox"/>	o confirmation of staff training about EWON
<input type="checkbox"/>	o *details of any other ways in which you will tell customers about EWON.
<input type="checkbox"/>	*Details of your customer numbers.
<input type="checkbox"/>	*Detail of the site addresses in which you operate
<input type="checkbox"/>	Information about your corporate structure.
<input type="checkbox"/>	Information about how energy is supplied and/or billed to customers.