

Energy Ombudsman Bill 2006

Explanatory Notes

General Outline

Short Title

The short title of the bill is *Energy Ombudsman Bill 2006*

Policy Objectives

The main objectives of the Bill are:

1. To provide for the establishment of the Energy Ombudsman office to give small electricity and gas customers in Queensland a timely, effective, independent and just way of having their disputes with energy sector entities investigated and resolved.
2. To establish dispute resolution processes and the functions and powers, including determination powers of the Energy Ombudsman to make binding orders against energy sector entities.
3. To establish an Advisory Council to provide advice to the Energy Ombudsman on policy and procedural issues and to the Minister for Mines and Energy on issues relating to the funding of the Energy Ombudsman office.
4. To provide for the fees to be paid by scheme members to fund the operations of the Energy Ombudsman office.

Reasons for the Policy Objectives

Following the announcement that Queensland would introduce full retail competition (FRC) in gas and electricity, the Government appointed an Energy Competition Committee (ECC) to oversee the FRC implementation.

After consideration of the implications of FRC for consumers, industry and government participants, the ECC recommended that the existing Energy Consumer Protection Office (ECPO) model incorporating energy mediators and arbitrators be replaced by an Energy Ombudsman office.

Whilst the current ECPO model is working successfully, this change represents a further evolution and enhancement of energy dispute resolution processes in Queensland to meet the demands of an impending FRC environment.

How the Policy Objectives will be achieved

The objectives will be achieved by omitting the Regulator's (Director-General, Department of Mines and Energy) and associated energy mediator and energy arbitrator functions in relation to complaints and disputes between customers and entities in the *Electricity Act 1994* and *Gas Supply Act 2003* and establishing the Energy Ombudsman office.

The Bill will establish the functions and powers, including determination powers of the Energy Ombudsman. The Energy Ombudsman will be vested with the authority under the *Energy Ombudsman Act 2006* to receive, investigate and facilitate the resolution of complaints and disputes between small electricity and gas customers and energy entities who are scheme members.

As with the current ECPO model, the Energy Ombudsman office will be fully funded by energy distribution and retail entities with small customers. It is proposed the Energy Ombudsman office will be funded similar to the current ECPO model by imposing membership and user-pays fees on scheme members.

Estimated administrative costs to Government for implementation

There are no financial implications for the Government associated with the proposed Bill. The Energy Ombudsman office will be fully funded by industry levies and there will be no cost to Consolidated Revenue.

Consistency with Fundamental Legislative Principles

The Bill is consistent with Fundamental Legislative Principles, except to the extent considered in the following context.

The Queensland Parliamentary Counsel (QPC) has identified four Fundamental Legislative Principles (FLP) issues:

- Section 29 - Power of the Energy Ombudsman to require particular documents or information from relevant energy entity. There is an FLP issue for subsection (4) concerning the exclusion of privilege against self-incrimination. QPC has advised that

privilege only applies at common law to individuals. As all energy entities are corporations, this provision should not apply. In addition, subsection (5) protects the documents and information from being disclosed.

- Section 41 – Effect of accepted order. There is an FLP issue with the absence of appeal or review right on the merits for the relevant energy entity. This provision only applies if the order is accepted by the small customer. This is the same as current provisions for energy arbitrators in that the order binds the energy entity and the energy entity may not apply for review of, or appeal against, the order other than under the *Judicial Review Act 1991*. The purpose of this provision is to avoid legal actions by energy entities for minor disputes and in doing so, protecting small customers.
- Section 69 – Working out user-pays levy for quarter. There is an FLP issue with absence of appeal or review right on the merits for the relevant energy entity for the forecast or the adjustment. The user-pays levy is payable in advance and will be adjusted at the end of each quarter to reflect the number of complaints by each energy entity during that quarter.
- Section 70 – Supplementary levies. There is an FLP issue as to whether it is appropriate for a tax to be imposed by subordinate legislation. The supplementary levy is specific to energy entities and is only payable by energy entities who are all corporations and not by individuals. This section details quite limited and unforeseeable circumstances in which a regulation can impose the levy.

Consultation

The following Government agencies have been consulted:

- Department of Premier and Cabinet (Policy Coordination Division)
- Queensland Treasury
- Department of Justice and Attorney General
- Office of the Queensland Parliamentary Counsel
- Department of Communities (Office of Regional and Rural Communities)

- Department of Employment and Industrial Relations
- Department of Tourism, Fair Trading and Wine Industry Development

There is general support for the proposed amendments.

Notes on Provisions

Part 1 Preliminary

Short title

This clause sets out the short title of the Act as the *Energy Ombudsman Act 2006*.

Commencement

Clause 2 provides that the *Energy Ombudsman Act 2006* will commence on proclamation, except for certain transitional provisions and key definitions of the Act. It is intended that these provisions will commence early in order to enable appropriate funding of the energy ombudsman's functions from commencement of the rest of the Act

Main purpose of Act

Clause 3 sets out the purpose of the Act.

Dictionary

Clause 4 refers to the dictionary in the Schedule to the Act.

What is an *energy Act*

Clause 5 defines the term *energy Act*.

Who is a *small customer*

Clause 6 defines *small customer* and clarifies that receivers of on-suppliers under an energy Act are not *small customers*.

What is an *energy entity*

Clause 7 defines an *energy entity*.

What is an *energy entity function*

Clause 8 defines an *energy entity function* and includes examples for clarification.

References to functions

Clause 9 provides for certain matters of interpretation in the Act.

Part 2 The energy ombudsman

Establishment

Clause 10 establishes the energy ombudsman.

Functions

Clause 11 sets out the functions of the energy ombudsman, and expresses them to be subject to clauses 12 and 13.

General restrictions on functions

Clause 12 enumerates certain matters of policy that the ombudsman can not accept dispute referrals about or investigate. For example, it is not for the ombudsman to accept dispute referrals about or investigate the fairness or reasonableness of the terms of a connection contract or a retail contract. However, see also clause 8 (which makes it clear that conduct relating to the formation of a negotiated contract is an energy entity function) and clause 32 (for the orders that the ombudsman may make where such conduct is inappropriate).

Exclusion of disputes relating to community ambulance cover levy

Clause 13 provides that the ombudsman has no jurisdiction over the performance of functions under the *Community Ambulance Cover Act 2003*, or functions under the *Electricity Act 1994* that are provided for in the *Community Ambulance Cover Act 2003*.

Obligations in performing functions

Clause 14 provides that the ombudsman must act independently, impartially and in the public interest when performing its functions.

General powers

Clause 15 states that the ombudsman may do anything necessary or convenient for the performance of its functions.

Energy ombudsman not subject to direction

Clause 16 assists the independence of the ombudsman by ensuring that it is not subject to direction by anyone. This includes the advisory council. This is subject to the Minister's approval of the ombudsman's budget under clause 74.

Consultation with advisory council

Clause 17 provides that the ombudsman must consult with and consider the advice of the advisory council in certain circumstances. These circumstances include advice from the advisory council on the procedures for dispute referrals and investigations (under clause 28) and on the budget guidelines (under clause 74 or 75).

Part 3 Dispute referrals

Disputes that may be referred to energy ombudsman

Clause 18 sets out the two types of disputes that may be referred to the energy ombudsman. Broadly these are disputes between small customers and energy entities and disputes between certain occupiers of land and energy entities.

Restrictions on disputes that can be referred

Clause 19 places some restrictions on the disputes that may be referred to the energy ombudsman, including a 12-month time limit, a requirement to make a prior genuine attempt at resolution, and jurisdictional limitations.

Discretion to accept particular referrals made out-of-time

Clause 20 then qualifies clause 19 and permits disputes to be referred outside the 12 month time limit where the ombudsman considers there was good reason for the referral not being made within the limit.

Ways of making dispute referral

Clause 21 sets out accepted methods of making a dispute referral, and provides that disputes may be referred on the referrer's behalf by a person authorised orally or in writing.

Refusal to investigate dispute referral

Clause 22 gives the ombudsman specified grounds on which it can refuse to investigate a dispute referred to it, including where the ombudsman considers the dispute is trivial or the referral is frivolous or vexatious. The ombudsman may also refuse to investigate a dispute where the ombudsman is reasonably satisfied that the referrer does not have a sufficient direct interest in the matter or has not exhausted a right of appeal or other remedy and it would be reasonable for the referrer to have to do so in the circumstances. This clause also provides the ombudsman with discretion to refuse to investigate a dispute referral where a regulator or the QCA has the power to provide appropriate relief under an energy Act.

Notice of referral not properly made or of refusal to investigate

Clause 23 provides that the ombudsman must give notice to a referrer when the ombudsman refuses to investigate or continue investigating a dispute referred to it, and when the referral can not be made or be investigated by the ombudsman.

Preliminary inquiry

Clause 24 permits the ombudsman to make preliminary inquiries in order to decide whether a dispute referral should be investigated. On request, parties must provide reasonable help to assist these preliminary inquiries.

Withdrawal of dispute referral

Clause 25 states that dispute referrals may be withdrawn by the referrer, by notice to the ombudsman. On withdrawal, any investigation relating to the dispute ends, and the ombudsman must give notice to the other party of the withdrawal.

Part 4 Investigations

Notice of investigation

Clause 26 requires the ombudsman, on the making of a dispute referral, to provide notice to the other party to the dispute of certain relevant matters. This obligation does not apply where the dispute referral has been withdrawn. Also, it does not apply where the ombudsman refuses to investigate a dispute referral under clause 22.

When investigation starts

Clause 27 provides that an investigation into a dispute referral is to start if the ombudsman has given the notice required by clause 26 and the dispute has not been withdrawn.

Investigation procedure

Clause 28 sets out the requirements on investigation procedures used by the ombudsman, and provides that mediation and negotiation must be used to attempt to resolve the dispute before an investigation completes. Under this clause, the ombudsman has the power to obtain documents and information from persons and in a way that it considers appropriate. However, the documents and information must be relevant to the investigation.

The ombudsman is required to act in a way that is fair, reasonable, just and timely. The ombudsman is also required to develop and consult with the advisory council on procedures relating to dispute referrals and investigations.

Power to require particular documents or information from relevant energy entity

Clause 29 confers powers on the ombudsman to require from an energy entity involved in an investigation stated documents or information, and access to that material if the investigation into the dispute referral has started. The clause does not require the energy entity to comply with the requirement where the relevant material is not within the entity's custody or power, where the relevant material is in someone else's custody and the entity has made reasonable endeavours to obtain the material from that other person or where it would place the entity in breach of the law.

The clause also provides that neither self-incrimination nor confidentiality is a defence to production of these documents.

Custody of documents given to energy ombudsman

Clause 30 permits the ombudsman to keep documents provided to it for a reasonable period of time in order to carry out an investigation, and to take extracts from or make copies of the documents. The ombudsman must allow inspection of the documents by anyone who would ordinarily have the right to inspect it.

Restriction on disclosing energy entity's confidential information

Clause 31 applies where an energy entity has given the ombudsman information that it believes is confidential or the disclosure of which might be detrimental to its commercial interests. The clause provides limitations on the circumstances in which the ombudsman may disclose such information. Where the ombudsman decides to disclose the information to someone outside of the ombudsman's office (including the other party to the dispute), the ombudsman must give prior written notice.

Interim orders

Clause 32 provides that the ombudsman may issue interim orders that are fair and reasonable to energy entities. Such orders may require an energy entity to do, not do or stop doing a stated act until an investigation ends.

Proceedings after investigation starts

Clause 33 provides that an investigation into a dispute is to end if the relevant customer commences proceedings about the dispute. The clause

also provides that neither the subject of the dispute nor any issue that emerges in the course of an investigation is justiciable in any proceeding about the dispute, other than under the *Judicial Review Act 1991*, commenced by the relevant energy entity.

Part 5 Action following investigation

Decision

Clause 34 provides that the ombudsman may make, or may refuse to make, an order in favour of the party to the dispute who is not an energy entity. The order may only be made after the investigation into the dispute has finished, if the dispute referral has not been withdrawn, and if the parties have not reached agreement on resolving the dispute.

Final orders that may be made

Clause 35 limits the kinds of orders that the ombudsman may make. Orders may only be made against an energy entity, and not against any other party. The clause enumerates the permissible orders, which are further subject to clauses 36 and 37. For example, where conduct resulting in the formation of a contract was unconscionable, unfair, misleading or deceptive, the ombudsman may make an order ending the negotiated contract.

Criteria for making final order

Clause 36 requires the ombudsman, in making its order, to consider the purposes or objects of the relevant energy Act, as well as the parties' rights and obligations at law.

Restrictions on final orders

Clause 37 places certain other restrictions on orders that the ombudsman may make. For example, an order may not require an energy entity to contravene an energy Act, an industry code, an authority or a law of the Commonwealth or a State. The ombudsman may obtain and act on legal advice in relation to this restriction. The clause also imposes monetary caps on orders and prevents costs from being ordered.

Notice of decision

Clause 38 provides that the ombudsman must give the parties written notice of its decision following an investigation and the reasons for it. This applies whether the ombudsman decides to make an order or whether it refuses (following investigation) to make an order. Where the decision is to make a final order, the decision notice must give details of the procedures and applicable time limits for accepting the ombudsman's order.

Restriction on including confidential information in decision notice

Clause 39 prevents the ombudsman from disclosing confidential information in its decision notice.

Election to accept or not to accept

Clause 40 permits the non-entity party to elect either to accept or to not accept an order. The clause provides that the ombudsman's order will only be effective if the non-entity party to the dispute chooses to accept it (or makes no choice) within 21 days. The ombudsman is also required to notify in writing the relevant energy entity whether an order relating to it has been accepted by the other party.

Effect of accepted order

Clause 41 provides that, once accepted, an order of the ombudsman is final and conclusive and binding on the parties for all matters the subject of the dispute. The order may not be appealed to or reviewed by a court, except under the *Judicial Review Act 1991*. This is intended to ensure that the ombudsman is seen as a serious and effective means of dispute resolution in the energy industry.

How final order for an amount may be enforced

Clause 42 provides that orders for the payment of money by an energy entity may be enforced in a Magistrates Court. The ombudsman may do the filing for the non-entity party.

Non-entity party's duty to allow relevant energy entity to comply with particular accepted orders

Clause 43 requires a non-entity party to a dispute to do anything necessary and reasonable to allow an energy entity to comply with an order.

Inquiry and directions about failure to comply with duty

Clause 44 establishes a process for investigation into a non-entity party's refusal to assist an energy entity to comply with an order as required by clause 43. The clause allows the ombudsman to give compliance directions to the parties, to facilitate compliance with an accepted order.

Failure of non-entity party to comply with compliance directions

Clause 45 provides that, if the non-entity party does not comply with compliance directions, the ombudsman may declare the entity to have complied with the original order. This declaration binds the non-entity party.

Failure by relevant energy entity to comply with accepted order or compliance directions

Clause 46 imposes a penalty on an energy entity if it does not comply with compliance directions or with an order of the ombudsman accepted by the non-entity party. In addition to the penalty, the ombudsman may refer the non-compliance to the regulator for action under the relevant energy Act. This may include the imposition of a penalty.

Dismissal or non-acceptance does not affect other proceedings

Clause 47 provides that proceedings may be commenced in respect of the subject of a dispute if the ombudsman has refused to make an order concerning it or if a non-entity party refuses to accept an order of the ombudsman concerning it.

Part 6 Advisory council

Establishment

Clause 48 establishes the advisory council.

Functions

Clause 49 sets out the functions of the advisory council. The functions of the advisory council are advisory only and include advising on the operation of the Act for small customers and relevant occupiers of land and advising the ombudsman on the development of relevant guidelines.

Appointment

Clause 50 provides the requirements for appointment to the advisory council. To ensure broad representation, the advisory council is to be composed of an independent chairperson, as well as equal numbers of industry members and consumer members (at least three of each) appointed on the chairperson's recommendation following consultation. At least two of the industry members must represent the interests of retailers and at least one of the industry members must represent the interests of distributors.

Part 7 Particular provisions about the energy ombudsman

Appointment

Clause 51 deals with appointment of the ombudsman, specifying that the ombudsman is appointed by the Governor in Council, under the *Energy Ombudsman Act 2006* rather than the *Public Service Act 1996*. This is to enhance independence.

Term of appointment

Clause 52 provides that the ombudsman holds office for a term of up to five years. Reappointment is possible if the total term served by that person following reappointment would not be more than ten years.

Remuneration and conditions

Clause 53 permits the Governor in Council to specify the remuneration, allowances and leave of absence due to the ombudsman.

Restriction on outside employment

Clause 54 provides that the ombudsman must not hold any other office of profit or engage in any other remunerative employment or undertaking without the Minister's prior approval.

Resignation

Clause 55 permits the ombudsman to resign at any time by written notice to the Governor in Council.

Acting energy ombudsman

Clause 56 grants power to the Governor in Council to appoint an acting energy ombudsman during any vacancy or when the ombudsman is absent or unable to perform the ombudsman's duties. This appointment is limited to six months in any 12-month period. As with the ombudsman, an acting energy ombudsman is appointed under the *Energy Ombudsman Act 2006* and not under the *Public Service Act 1996*.

Termination of appointment

Clause 57 sets out the circumstances in which the Governor in Council may terminate the ombudsman's appointment. The circumstances are criminal conduct, physical or mental incapacity, insolvency, misconduct and outside employment.

Preservation of rights

Clause 58 provides that an officer of the public service who is appointed as energy ombudsman will retain all rights accrued or accruing as an officer of the public service, and will have the right to re-appointment in the public service at an appropriate level after leaving the ombudsman's office.

Part 8 Administration

Office of the Energy Ombudsman

Clause 59 establishes the office of the energy ombudsman, consisting of the ombudsman and its officers.

Control of office

Clause 60 provides that the energy ombudsman controls the energy ombudsman's office, but does not prevent the office from being attached to a department to ensure that it has sufficient resources to function effectively.

Officers

Clause 61 provides that energy ombudsman officers are appointed under the *Public Service Act 1996* and are officers of the public service.

Officers not subject to outside direction

Clause 62 provides that the officers of the ombudsman are subject to direction only from within the ombudsman's office on the exercise of powers of investigation and the priority given to investigations. Again this is to reinforce the independence of the ombudsman's office.

Alternative staffing arrangements

Clause 63 provides that the ombudsman may arrange for staff and other facilities to be made available to the ombudsman from other government agencies.

Scheme membership

Clause 64 provides that energy entities become members of the ombudsman scheme when they become energy entities, except for retailers who become scheme members only when they enter into a contract to provide or commence providing customer retail services to a small customer. This is in recognition of the fact that energy entities may not commence providing retail services immediately upon obtaining a relevant licence.

Scheme membership ceases 12 months after an entity ceases to be an energy entity, but cessation does not affect obligations accrued before cessation.

Annual fees

Clause 65 provides that a membership fee and a user-pays fee must be paid to the ombudsman by scheme members in order to fund performance of the ombudsman's functions.

When membership fee is payable

Clause 66 requires the ombudsman to give an invoice to each scheme member at the start of a financial year for that year's membership fee. Scheme members have 14 days to pay the invoice.

Amount of membership fee

Clause 67 sets out the different membership fees that scheme members must pay, unless these fees are specified in the regulations. Energy entities pay a pro-rated fee if they become scheme members during a financial year, but scheme members pay the full yearly fee if they cease being scheme members during a financial year.

When user-pays fee is payable

Clause 68 provides that scheme members must pay the user-pays fee as detailed in an invoice within 14 days. The user-pays fee is to be calculated in accordance with clause 69 at least 14 days before the end of a quarter.

Working out user-pays fee

Clause 69 establishes the process for determining a scheme member's user-pays fee for a quarter. The fee is to be based on a forecast of the scheme member's likely relevant performance costs for the quarter, suitably adjusted to reflect actual performance costs in the previous quarter. No interest is payable on the adjustments, whether up or down. A scheme member's relevant performance costs are defined as those costs incurred by the energy ombudsman during the quarter to perform the ombudsman's functions relating to the member as calculated in accordance with the budget guidelines. It relates to the dispute referrals made to the ombudsman for the member.

Supplementary fees

Clause 70 permits the regulations to impose supplementary fees on any or all scheme members of an amount that will allow all of the ombudsman's functions to be filled. This clause ensures that, in cases where there is unforeseen expenditure or (in the case of an individual) an investigation costs more than expected or requires specialised processes, the ombudsman has sufficient resources to perform its functions.

Unpaid fee interest

Clause 71 provides that scheme members must pay interest accruing daily at a specified rate on any overdue fees.

Energy ombudsman may remit unpaid fee interest

Clause 72 allows the ombudsman to remit, by written notice to the scheme member, all or part of any interest owed by a scheme member on unpaid fees.

Recovery of unpaid amounts

Clause 73 provides that the State may recover unpaid fees or interest from scheme members. This is intended to provide an appropriate deterrent to avoiding scheme fee payments and hence ensuring that the ombudsman is sufficiently funded to perform its functions.

Annual budgets

Clause 74 provides that the ombudsman must prepare a budget before 31 March each year for the next financial year. The budget must be prepared in consultation with the advisory council and is effective only after approval by the Minister on the recommendation of the advisory council and the ombudsman. Where the advisory council and ombudsman cannot agree on the recommendation, the Minister may approve anyway. Amendments may be made to an approved budget, but must similarly be approved by the Minister. Spending by the ombudsman office must only be made under the budget, unless the Minister otherwise approves.

Budget guidelines

Clause 75 requires the ombudsman to prepare budget guidelines in consultation with the advisory council. The clause makes it clear that the

budget guidelines must include guidelines as to the calculation and structure of the user-pays fees.

Delegation

Clause 76 permits the ombudsman to delegate functions to an appropriately qualified energy ombudsman officer. The ombudsman may not delegate the annual reporting function under clause 77, or the function of making a decision on a dispute referral under clause 34 unless the parties agree.

Annual report

Clause 77 sets out the ombudsman's annual reporting responsibilities. Within four months of the end of a financial year, the ombudsman must deliver a report to the Minister on the operations of the ombudsman's office during that year, including details of the matters described in subsection 3. Annual reports must not disclose confidential information.

Reports and observations on energy ombudsman's initiative

Clause 78 provides that the ombudsman may give reports on and make observations about matters arising from the performance of the ombudsman's functions to various stated parties. These reports or observations may not be made if they would disclose confidential information or are based on information for which confidentiality has been claimed or sought.

Privacy

Clause 79 establishes a privacy regime applying to current and former energy ombudsmen and their officers. The clause imposes a penalty for recording, divulging, communicating or using information obtained during preliminary inquiries, investigations or the performance of other energy ombudsman functions. The penalty will not apply if the record was made or the information was divulged or communicated for legitimate purposes under the Act, with consent, or as required by law.

Disclosure of particular information

Clause 80 establishes a cross-disclosure regime between the ombudsman, the QCA and the regulator under an energy Act. The clause provides that, if an energy entity gives written information about that entity to the ombudsman, the ombudsman must disclose the information to the QCA or

the regulator if requested and with the entity's consent. Similarly, if an energy entity gives information to the QCA or the regulator, those bodies must disclose it to the ombudsman if requested and with the entity's consent. Consent can be deemed to have been given if it is required to be given under an authority.

Protection from liability

Clause 81 provides that any civil liability for an honest and non-negligent act or omission purportedly incurred by the ombudsman or one of its officers attaches instead to the State.

Approved forms

Clause 82 provides that the ombudsman may approve forms for use under the Act.

Regulation-making power

Clause 83 confers regulation-making power on the Governor in Council for the purposes of the Act, and permits regulations to be made that provide for maximum penalties of no more than 20 penalty units for contravention of a regulation.

Part 9 Transitional provisions

Definitions for pt 9

Clause 84 sets out definitions used in Part 9.

User-pays fees for changeover quarters

Clause 85 provides transitional provisions to ensure that user-pays fees are payable in the first quarter after the ombudsman scheme commences.

Reference to previous fees for working out user-pays fee under this Act

Clause 86 provides transitional provisions to enable calculations of user-pays fees for the initial quarters after the ombudsman scheme commences.

Budget for first financial year

Clause 87 provides that the ombudsman is not required to produce a budget for the first financial year.

Application of div 3

Clause 88 states that Division 3 of Part 9 is to apply to unresolved disputes referred to an energy Act regulator at the time the ombudsman scheme commences.

Referral becomes a dispute referral

Clause 89 ensures that the ombudsman takes on such disputes by deeming them to be dispute referrals made to the ombudsman at the commencement of the ombudsman scheme. The ombudsman may commence investigations into such disputes without giving an investigation notice.

Documents and information given for energy Act referral

Clause 90 enables the ombudsman to obtain any documents or information given by a party to a dispute to an official performing functions under an energy Act. The documents or information are taken to have been given to the ombudsman. Any privilege or protection that applied to the documents or information continues to apply.

Part 10 Amendment of Public Service Act 1996**Act amended in pt 10**

Clause 91 specifies that Part 10 of the Act amends the *Public Service Act 1996*.

Amendment of sch 1 (Public service offices and their heads)

Clause 92 amends schedule 1 of the *Public Service Act 1996* by including the office of the energy ombudsman as a public service office. This is consistent with clause 59. The amendment also establishes the energy ombudsman as the head of the energy ombudsman office.

Part 11 **Amendment of Queensland Competition Authority Act 1997**

Act amended in pt 11

Clause 93 specifies that Part 11 of the Act amends the *Queensland Competition Authority Act 1997*.

Amendment of s 187 (Confidential information)

Clause 94 amends s 187(3) by inserting new paragraph (j), which extends the permitted disclosures of certain information that the regulator may make to the ombudsman.

Amendment of s 239 (Confidential information)

Clause 95 amends s 239(2) by inserting new paragraph (h), which extends the permitted disclosures of other information that the regulator may make to the ombudsman. The clause also inserts new subsection 239(3) which requires the regulator to inform the ombudsman of the confidentiality of the information it is providing.

Schedule – Dictionary

The Schedule to the Act contains a dictionary of terms used in the Act and a definition of each, or an indication of the location of the term's definition.