



Queensland

# **Energy and Water Ombudsman Amendment Bill 2015**





Queensland

# Energy and Water Ombudsman Amendment Bill 2015

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# 2015

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## A Bill

for

**An Act to amend the *Energy and Water Ombudsman Act 2006*  
and the *National Energy Retail Law (Queensland) Act 2014* for  
particular purposes**

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Energy and Water Ombudsman  
Amendment Act 2015*. 4  
5

**Clause 2 Commencement** 6

(1) This Act, other than sections 7 and 10, commences on a day to 7  
be fixed by proclamation. 8

(2) Sections 7 and 10 commence on 1 January 2016. 9

**Part 2 Amendment of Energy and  
Water Ombudsman Act 2006** 10  
11

**Clause 3 Act amended** 12

This part amends the *Energy and Water Ombudsman Act  
2006*. 13  
14

**Clause 4 Amendment of s 3 (Main purpose of Act)** 15

Section 3(a), ‘small customers (energy)’— 16

*omit, insert—* 17

relevant energy customers 18

---

<b>Clause 5</b>	<b>Amendment of s 6B (Who is an <i>eligible customer</i>)</b>	1
	Section 6B, ‘small customer (energy)’—	2
	<i>omit, insert</i> —	3
	relevant energy customer	4
<b>Clause 6</b>	<b>Insertion of new ss 6C and 6D</b>	5
	After section 6B—	6
	<i>insert</i> —	7
	<b>6C Who is an <i>eligible non-residential energy customer</i></b>	8
		9
	(1) An <i>eligible non-residential energy customer</i> is a	10
	business customer who consumes electricity at	11
	business premises—	12
	(a) at or above the upper consumption	13
	threshold; and	14
	(b) at not more than 160MWh a year.	15
	(2) However, an <i>eligible non-residential energy</i>	16
	<i>customer</i> does not include the State or the	17
	Commonwealth.	18
	(3) In this section—	19
	<i>business customer</i> see the NERL (Qld).	20
	<i>business premises</i> see the NERL (Qld).	21
	<i>upper consumption threshold</i> means the upper	22
	consumption level under the NERL (Qld).	23
	<b>6D Who is a <i>relevant energy customer</i></b>	24
	A <i>relevant energy customer</i> is—	25
	(a) a small customer (energy); or	26
	(b) an eligible non-residential energy customer.	27

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<b>Clause 7</b>	<b>Amendment of s 11 (Functions)</b>	1
	(1) Section 11(1)(e)—	2
	<i>renumber</i> as section 11(1)(f).	3
	(2) Section 11(1)—	4
	<i>insert</i> —	5
	(e) subject to this Act, and to recognition given	6
	by a notice under the Privacy Act, section	7
	35A, to receive, investigate, facilitate the	8
	resolution of, make decisions and	9
	recommendations for, and report on	10
	complaints about acts or practices of scheme	11
	participants that may be an interference with	12
	the privacy of an individual within the	13
	meaning of section 13(1) or (2) of that Act;	14
	and	15
<b>Clause 8</b>	<b>Amendment of s 12 (Restrictions on functions—energy entities)</b>	16
	Section 12(1)(c), ‘small customers (energy)’—	17
	<i>omit, insert</i> —	18
	relevant energy customers	19
<b>Clause 9</b>	<b>Amendment of s 18 (Disputes relating to energy entities that may be referred to energy and water ombudsman)</b>	21
	Section 18(1)(a) and (5), ‘small customer (energy)’—	22
	<i>omit, insert</i> —	23
	relevant energy customer	24
<b>Clause 10</b>	<b>Insertion of new s 18B</b>	26
	After section 18A—	27
	<i>insert</i> —	28

**18B Dispute may involve complaint about  
interference with privacy**

A dispute about the performance of a utility entity's  
function as mentioned in section 18(1)(a) or 18A(1)  
may involve a complaint that an act or practice  
relevant to the entity's performance of the function  
was or is an interference with the privacy of an  
individual within the meaning of the Privacy Act,  
section 13(1) or (2).

**Clause 11 Amendment of s 25A (Use and disclosure of personal  
information)**

(1) Section 25A(2)—

*renumber* as section 25A(6).

(2) Section 25A—

*insert*—

(2) Subsection (3) applies if the energy and water  
ombudsman advises an eligible customer that,  
under section 19A(1)(c), the customer can not  
make a proposed dispute referral in relation to a  
utility entity.

(3) The eligible customer is taken to have agreed to  
the eligible customer's customer identifying  
information being disclosed to the utility entity to  
the extent reasonably necessary for user-pays  
purposes.

(4) Subsection (5) applies if the energy and water  
ombudsman refuses, under section 22(1)(d), to  
investigate a dispute referral, or to continue the  
investigation of a dispute referral, made by an  
eligible customer in relation to a utility entity.

(5) Until the investigation is started or continued, the  
eligible customer's agreement under subsection  
(1) is taken to be limited to agreement to the  
eligible customer's customer identifying

[s 12]

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	information being disclosed to the utility entity to the extent reasonably necessary for user-pays purposes.	1 2 3
	<i>Example of disclosure for subsection (3) or (5)—</i>	4
	disclosing a customer account number to the utility entity to allow the entity to confirm that the account is held with the entity	5 6 7
(3)	Section 25A(6) as renumbered—	8
	<i>insert—</i>	9
	<i>user-pays purposes</i> means the following purposes—	10 11
	(a) invoicing the utility entity for a user-pays fee;	12 13
	(b) the utility entity’s billing reconciliation purposes.	14 15
<b>Clause 12</b>	<b>Amendment of s 64 (Scheme participation—energy entities)</b>	16 17
	Section 64(1) and (2), ‘small customer (energy)’—	18
	<i>omit, insert—</i>	19
	relevant energy customer	20
<b>Clause 13</b>	<b>Amendment of s 78 (Reports and observations on energy and water ombudsman’s initiative)</b>	21 22
	Section 78(1)—	23
	<i>insert—</i>	24
	(g) the Information Commissioner within the meaning of the <i>Australian Information Commissioner Act 2010</i> (Cwlth).	25 26 27
<b>Clause 14</b>	<b>Amendment of s 79 (Privacy)</b>	28
	Section 79—	29

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*insert—* 1  
(7) Without limiting section 25A, agreement of an 2  
eligible customer under the section may also have 3  
effect as consent under subsection (3)(b). 4

**Clause 15 Amendment of schedule (Dictionary)** 5  
(1) Schedule— 6  
*insert—* 7  
*eligible non-residential energy customer* see 8  
section 6C. 9  
*Privacy Act* means the *Privacy Act 1988* (Cwlth). 10  
*relevant energy customer* see section 6D. 11  
(2) Schedule, definition *non-entity party*, paragraph (a), ‘small 12  
customer (energy)’— 13  
*omit, insert—* 14  
relevant energy customer 15

**Part 3 Amendment of National Energy** 16  
**Retail Law (Queensland) Act** 17  
**2014** 18

**Clause 16 Act amended** 19  
This part amends the *National Energy Retail Law* 20  
(*Queensland*) Act 2014. 21

**Clause 17 Amendment of Schedule (Modification of application of** 22  
**National Energy Retail Law)** 23  
Schedule, item 15, inserted section 22A(3)(b), ‘section 89B’— 24  
*omit, insert—* 25

[s 17]

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section 89E

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