

Budget Guidelines 2024 – 2025

General

Section s74 of the *Energy and Water Ombudsman Act 2006* (the Act) stipulates that the Energy and Water Ombudsman, in consultation with the Advisory Council, must prepare a budget of estimated costs for the next financial year before 31 March each year.

In accordance with the Energy and Water Ombudsman Act 2006 s75, the Energy and Water Ombudsman must, in consultation with the advisory council prepare budget guidelines including guidelines for the working out, structure and adjustment of user-pays fees.

Part 8, Division 2 of the Act provides for the Energy and Water Ombudsman's functions to be funded by an annual participation fee and quarterly user pays fees imposed on each scheme participant.

Revenue

Revenue for the Office of the Energy and Water Ombudsman is primarily generated from:

- Annual Participation fees; and
- User Pays Fees.

Both classes of fees are imposed on each scheme participant. User pays fees vary according to the relevant performance of a scheme participant, including the number of complaints, what process is used to manage the complaint (refer back, referral to higher level, investigation), and the time taken on each case.

Annual participation fees

Annual participation fees are prescribed under a regulation or if no amount is prescribed set by the *Energy and Water Ombudsman Act 2006*. In 2024-2025 the following participation fees will apply.

| Scheme Participant | Annual participation fee |
|--|---------------------------------|
| Energy Entity | |
| Distribution authority under the Electricity Act 1994 or Gas Supply Act 2003, but not both | \$5,000 |
| Distribution authority under the Electricity Act 1994 and Gas Supply Act 2003. | \$10,000 |
| Holder of one retail authorisation under NERL (Qld) | \$5,000 |
| Holder of two retail authorisation under NERL (Qld) | \$10,000 |
| Holder of a special approval and provides customer connection services | \$5,000 |
| Maranoa Regional Council (each for holder and as exempt seller) | \$50 |
| Western Downs Regional Council (each for holder and as exempt seller) | \$250 |
| Prescribed Energy Entity | |
| Holder of one retail authorisation | \$5,000 |
| Holder of more than one authorisation | \$10,000 |
| Exempted Seller more than 2,000 customers | \$5,000 |
| Exempt Seller not more than 2,000 customers | \$0 |
| Water | |
| Water Entity | \$10,000 |

Invoices for participation fees will be forwarded to registered scheme participants in early July 2024.

As per s66(4) these fees are payable 14 days after the scheme participant receives the invoice. Penalties may be applied for late payments.

User pays fees

Under s68 of the Act it is the responsibility of the Energy and Water Ombudsman to calculate the user pays fees for each scheme participant each quarter and to invoice those participants at least 14 days but no more than one month before the end of each quarter.

User pays fees are invoiced prior to the commencement of each quarter and will be reconciled after the end of December and the end of June to reflect year to date actual contact numbers and actual expenditure. These reconciliations will include an adjustment to the cost per case type to ensure revenue will not exceed actual expenditure.

Level of contact

There are six levels of scheme participant contact:

- **Refer back to Supplier** – the matter needs to be referred back to the scheme participant for action.
- **Referral to Higher level** – the matter is referred to a higher level within the scheme participant's organisation before commencement of an investigation with EWOQ.
- **Investigation Level 1** – staff of the Energy and Water Ombudsman's office are required to contact the scheme participant to issue a Notice of Investigation to resolve the matter. A level 1 matter will not take more than 240 minutes (four hours) to complete.
- **Investigation Level 2** – an investigation level 1 will escalate to an investigation level 2 when staff of the Energy and Water Ombudsman's office have spent in excess of 240 minutes (four hours) but not more than 480 minutes (eight hours) on the matter, or the participant has not provided timely or adequate responses or breaches section 32 of the Act.
- **Investigation Level 3** – an investigation level 2 will escalate to an investigation level 3 when staff of the Energy and Water Ombudsman's office have spent in excess of 240 minutes (four hours) on the matter at level 2 or the participant has not provided adequate or timely responses or breaches section 32 of the Act.
- **Final order** – if a matter cannot be resolved the Energy and Water Ombudsman may consider the matter and either make a binding order against the scheme participant or dismiss it. A matter can be referred to this level from any other level in the investigation process (e.g. it does not need to escalate to investigation level 3 first).

Approach

In applying a scheme participant usage approach, the following practices are followed:

- A participant's usage of the scheme will be measured by the number of closed cases by each case type for the period being calculated.
- Every case is logged, together with the time (in minutes) staff of the Energy and Water Ombudsman's office spent dealing with the case.
- Case data in these calculations will relate to those cases that have been closed during the period the case data is being collected for.
- Average minutes per case type will be used to calculate cost per case type for all billed case types excluding investigations Level 3 and Final Orders.
- Investigation Level 3 cases will be charged at Investigation Level 2 price plus a cost per minute for actual minutes at Investigation Level 3.
- Final order cases will be charged at the Investigation level of the case when the investigation ceased plus a one-off fixed fee of \$5,000.00. This one-off fixed fee will be invoiced once the order has been accepted and becomes binding.
- EWOQ also records details for enquiry cases and referral cases. As these cases are not able to be allocated to a specific scheme participant, they are treated as general overhead expenses and are not included in the billing process.
- Costs to be recovered from Refer Back to supplier, Referral to Higher Level, Investigations and Final Orders will be those costs remaining after participant fees have been applied.
- Where possible, scheme participants will be advised of their projected advance fees prior to the commencement of each financial year.
- User pays advance fees will be reconciled to actual user pays fees twice each year.

Calculation of advances

The case related data used for the calculation of the advance user pays fees is obtained from all cases closed during the 12 month period from June 2023 of to May 2024.

The finance related data used in the calculation of the advance user pays fees is based on forecast of costs that the Ombudsman reasonably considers will be the scheme participant's likely performance costs for the quarter. Scheme participant's annual user pays fees are prorated to each quarter to achieve the required revenue for each quarter.

Using the case related data and the finance data a cost per minute is calculated. For all case types except Investigation Level 3 and Final Orders, an average time is calculated for each case type. The cost per minute is then applied to the average time per case type to produce a cost per case type.

The cost per case type is then applied to the case related data for each scheme participant generating the annual user pays advance fees for each scheme participant.

Investigation Level 3 and Final Order cases will not be invoiced in the advance process; these cases will be included in the reconciliation processes.

Embedded Networks

With the introduction of embedded network complaints into our jurisdiction on 28 February 2022, the *Energy and Water Ombudsman Regulation 2007* does not prescribe an amount of a user-pays fee for a prescribed energy entity, therefore in accordance with s69A of the Act, no user pays fees will be applied. Associated expenses for embedded networks will be apportioned only to electricity scheme participants based on their complaint numbers.

The apportioning of the embedded network expenses across electricity members will be based on complaint numbers and will increase the average cost per case for Refer Backs, Referral to Higher Level and Investigations as detailed in the table below. This approach would limit the cross subsidisation for embedded networks to electricity scheme participants only.

Cost per case – advances

| Billable Case Types | Water and Gas Advance price per case for 2024-2025 | Electricity Advance price per case for 2024-2025 |
|--------------------------|--|--|
| Refer Back to Supplier | \$600.00 | \$643.00 |
| Referral to Higher Level | \$1,147.00 | \$1,231.00 |
| Investigation Level 1 | \$2,989.00 | \$3,205.00 |
| Investigation Level 2 | \$6,220.00 | \$6,684.00 |

Reconciliation

All Investigation level 3 cases will be included in the reconciliation processes. The investigation case associated with the final order will be included and invoiced in the reconciliation process.

To ensure we continue to meet legislative requirements of not collecting surplus revenue, the cost per case will be recalculated in each of the reconciliation processes to reflect actual expenditure and actual activity for the period of the reconciliation. Reconciliations will be undertaken in January 2025 for the July 2025 to December 2024 period and in July 2025 for the full 2024-25 financial year.

Further reconciliations may be required during the year; however, adjustments may not be required for all participants at that time (e.g. if a scheme participant ceases to trade, a reconciliation will be required, however adjustments will not be made for other participants until the next scheduled reconciliation process).

Under and overspending

The situation may arise during a financial year, where the Energy and Water Ombudsman identifies that the approved budget is insufficient to meet its operating costs. If this were the case, supplementary funding may be required from scheme participants.

Conversely at any time during the year the Energy and Water Ombudsman may determine that the full approved budget is not required and may elect to adjust the quarterly user pays advance invoicing accordingly. The reconciliation processes will also support EWOQ in meeting the legislated requirement of ensuring that scheme participants will only be charged the actual costs required to operate the Energy and Water Ombudsman scheme.

Approved



Energy and Water Ombudsman

5/06/2024