Annual Report 2021-22







Energy and Water Ombudsman Western Australia



About this Report

This report describes the functions and operations of the Energy and Water Ombudsman (Western Australia) Limited, for the year ending 30 June 2022.

It is available in print and electronic viewing format to optimise accessibility and ease of navigation. It can also be made available in alternative formats to meet the needs of people with disability. Requests should be directed to the Publications Manager at (08) 9220 7555 or mail@ombudsman.wa.gov.au.

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Energy and Water Ombudsman Western Australia acknowledges Aboriginal and Torres Strait Islander people of Australia as the traditional custodians of Australia. We recognise and respect the exceptionally long history and ongoing cultural connection Aboriginal and Torres Strait Islander people have to Australia, recognise the strength, resilience and capacity of Aboriginal and Torres Strait Islander people and pay respect to Elders past, present and emerging.

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Highlights for 2021-22

1,279
Electricity

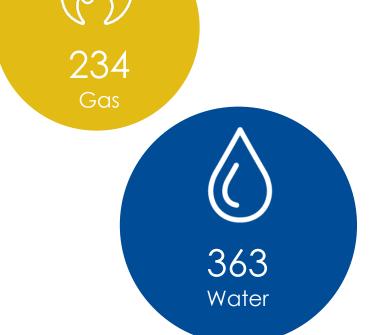
Complaints

In 2021-22, there were

1,876 complaints

1

an 18% increase on the previous year.



Timeliness

complaints resolved within

10 business days

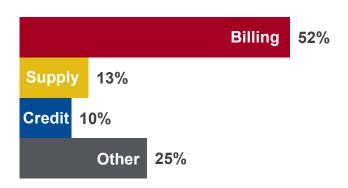
86% Electricity

80% Gas

87% Water

Issues raised

75% of complaints involved concerns about billing (52%), the supply of electricity, gas and water services (13%) and credit (10%).



Liaison and Access

Effective relationships with key stakeholders and access to our services was maintained through:

- Continuous liaison and communication with Scheme Members, regulators and industry-based ombudsmen; and
- Ensuring ongoing access to our services for residential and small use customers, and community groups who may represent them. Highlights include:

A visit to
Kununurra,
Wyndham and
Halls Creek in the
East Kimberley
Region.

A visit to Broome, Derby and Fitzroy Crossing in the West Kimberley Region. An information Stall at Dowerin Machinery Field Days agricultural show.

Chairperson's Overview



It is with pleasure that I present the eighteenth Annual Report of the Energy and Water Ombudsman (Western Australia) Limited (**the Company**), and my first as Chairperson.

The Board

The Board comprises seven directors: an independent chairperson, three customer representative directors, a gas industry representative director, an electricity industry representative director and a water industry representative director.

There were a number of changes to the Board during the year. In addition to my appointment in February 2022, in January 2022 Gino Giudice resigned as Alternate Electricity Industry Representative Director and the role was subsequently filled by Stephanie Barnes. In March 2022, Ronny Flendt resigned as Alternate Water Industry Representative Director with the role being filled by Jason Ducie.

The Company

As at 30 June 2022, there were 40 Members of the Company; a list of these Members is included in the <u>Company Particulars section</u> of the report. During the year, we welcomed one new electricity Member and one new water Member.

Customer Complaints

The Board has a service agreement with the Western Australian Ombudsman who undertakes the role of the Energy and Water Ombudsman. The Board oversights the Energy and Water Ombudsman Scheme, but is not involved in the resolution of individual complaints. The Energy and Water Ombudsman provides a report to each meeting of the Board regarding the work of the Energy and Water Ombudsman.

Appreciation

I would like to record my thanks to my fellow Directors for their commitment to the successful operation of the Board during 2021-22, and especially to Colin Smith for his work as Acting Chair prior to my appointment. I would also like to thank the Energy and Water Ombudsman and his staff for their efforts in resolving complaints so efficiently in this eighteenth year of operation.

Dr Michael Schaper CHAIRPERSON

Energy and Water Ombudsman's Report



I am very pleased to present the 2021-22 Annual Report of the Western Australian Energy and Water Ombudsman.

The Energy and Water Ombudsman resolves complaints made by energy and water consumers. It is vitally important that we ensure timely resolution of complaints – justice delayed is justice denied.

Complaint Resolution

On this point, it is very pleasing that, this year, 100% of Stage 1 and Stage 2 complaints were finalised by the end of the second work day. Overall, including investigated complaints, 89% of complaints were finalised within 30 days, 93% within 90 days and 98% within 180 days. The average calendar days to close a complaint after it was escalated to investigation was 65 days. Each of these results represents an improvement on last year's already very strong results.

Accessibility

An essential part of ensuring that we are providing accessible justice, is that we serve all Western Australians, including those living and working in the regions and Aboriginal Western Australians. To this end, this year we conducted a regional visit to Kununura, Wyndham and Halls Creek in August and Broome, Derby and Fitzroy Crossing in October 2021. These visits included significant engagement with the Aboriginal community and drop-in clinics where members of the public can bring their complaints to us. We also held a stall at the Dowerin Machinery Field Days agricultural show in August 2021.

Appreciation

I take this opportunity to express my sincere appreciation to the Chairperson and Directors of the Board, Deputy Energy and Water Ombudsman, Mary White, Assistant Energy and Water Ombudsman, Marcus Claridge, and staff for their ongoing outstanding leadership and work for the Western Australian community.

Chris Field
ENERGY AND WATER OMBUDSMAN

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- Our Role
- Structure and Governance
- Our Services
- Our Objectives
- Strategies to Achieve Our Objectives
- Our Complaint Resolution Process

About Us

Our Role

The Energy and Water Ombudsman

The Energy and Water Ombudsman Western Australia is an independent, impartial body that investigates and resolves complaints about electricity, gas and water providers.

Mission and Values

To receive, investigate and facilitate the resolution of complaints about electricity, gas and water providers who are Members of the Energy and Water Ombudsman Scheme.

The Energy and Water Ombudsman is founded on the PRINCIPLES of



The Role of the Energy and Water Ombudsman

The role of the Energy and Water Ombudsman is principally to do three things:

- Investigate and resolve complaints about a Member of the Energy and Water Ombudsman Scheme (Member);
- From complaints, to identify systemic and emerging issues, as well as monitor the outcomes of complaints and report these issues and outcomes to the Economic Regulation Authority (ERA) and in other relevant forums; and
- Undertake outreach, education, liaison and other activities to ensure awareness of, and access to, the Energy and Water Ombudsman, particularly for under-represented Western Australians (in terms of complaints to the Energy and Water Ombudsman compared to representation in the general population).

Structure and Governance

Background of the Energy and Water Ombudsman

The Gas Industry Ombudsman Scheme was established on 31 May 2004 and the Electricity Ombudsman Scheme was established on 22 September 2005. At that time the two schemes were combined under the title of Energy Ombudsman. When the Water Services Ombudsman Scheme commenced on 1 January 2014, the existing Energy Ombudsman expanded to become the Energy and Water Ombudsman.

The Board

The Board of Energy and Water Ombudsman (Western Australia) Limited (the Board) is the governing body of the Energy and Water Ombudsman. It comprises seven directors: an independent chair, three customer representative directors, a gas industry representative director, an electricity industry representative director and a water industry representative director. Details of the membership, responsibilities and operations of the Board are documented in the Energy and Water Ombudsman (Western Australia) Limited Constitution November 2015 (Constitution) and the Charter of Energy and Water Ombudsman (Western Australia) Limited, November 2013 (Charter).

The Board in 2021-22

Chairperson: Michael Schaper

(Appointed 16/02/2022)



Customer Representative: Sonia McKeiver

Customer Representative: Marguerite AnklesariaCustomer Representative: Kathryn Lawrence

Gas Industry Representative: Brent Graham
 Electricity Industry Representative: Colin Smith
 Water Industry Representative: Karen Willis

Alternate Directors

Gas Industry Representative: Christopher Campbell

Electricity Industry Representative: Gino Giudice (Resigned 13/01/2022)

Stephenie Barnes (Appointed 13/01/2022)

Water Industry Representative: Ronny Flendt (Resigned 17/03/2022)

Jason Ducie (Appointed 21/04/2022)

About Us

Members of the Energy and Water Ombudsman Scheme

The Members of the Energy and Water Ombudsman Scheme as at 30 June 2022 are listed below.

Electricity Industry Members – 30 June 2022

- AER Retail Pty Ltd
- Amanda Energy Pty Ltd
- A-Star Electricity Pty Ltd
- Change Energy Pty Ltd
- Delorean Energy Retail
- Clear Energy Pty Ltd
- Electricity Generation and Retail Corporation (Synergy)
- Electricity Networks Corporation (Western Power)
- Peel Renewable Energy Pty Ltd (renamed from Enwave WA Pty Ltd)
- Perdaman Energy Retail Pty Ltd
- Perth Energy Pty Ltd
- Regional Power Corporation (Horizon Power)
- Rottnest Island Authority

Gas Industry Members - 30 June 2022

- AGL Sales Pty Limited
- Alinta Sales Pty Ltd

- Electricity Generation and Retail
 Corporation (Synergy)
 Origin Energy Pty Ltd
 Perth Energy Pty Ltd
- Esperance Gas Distribution
 Wesfarmers Kleenheat Gas Pty Ltd Company Pty Ltd
- Esperance Power Station Pty Ltd
- Amanda Energy Pty Ltd
 ATCO Gas Australia
 IPower Pty Ltd and IPower2 Pty Ltd (Simply Energy)

Water Industry Members - 30 June 2022

- Aqua Ferre (Muchea) Pty Ltd (Muchea Water)
- Aquasol Pty Ltd
- Athena Water Solutions Pty Ltd
- BHP Nickel West Pty Ltd
- BHP Iron Ore Pty LtdBunbury Water Corporation (Aqwest)
- City of Kalgoorlie-Boulder
 Gascoyne Water Co-operative
 Hamersley Iron Ptv Ltd

- Lancelin South Pty Ltd
- Ord Irrigation Cooperative
- Robe River Mining Co Pty Ltd
- Rottnest Island Authority
- Shire of Dumbleyung
- Shire of Gnowangerup
- Shire of Lake Grace
- South West Irrigation Management Co-operative Limited (Harvey Water)
- Water Corporation
- Water West North Dandalup Pty Ltd

The Energy and Water Ombudsman

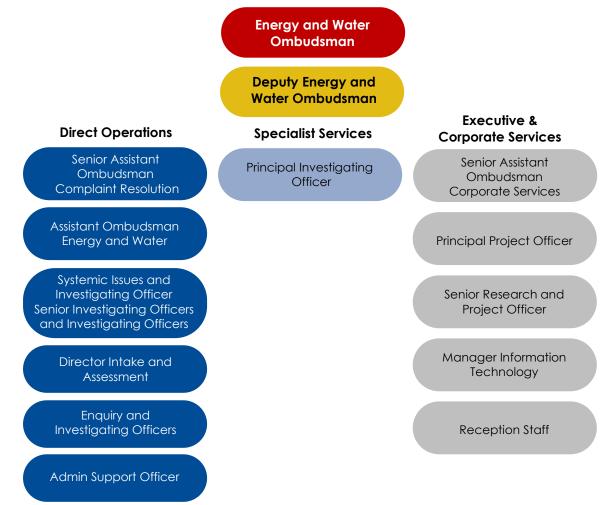
The Western Australian Ombudsman, Chris Field, performs the functions of the Energy and Water Ombudsman under a service agreement with the Board. The Energy and Water Ombudsman is not affiliated with any electricity, gas or water providers or consumer organisations and therefore acts impartially in the investigation and resolution of complaints.

The Energy and Water Ombudsman utilises the governance structures of the Western Australian Ombudsman, including an Audit and Risk Management Committee.

Operational Structure

The office of the Energy and Water Ombudsman (**Office**) is located within the office of the Western Australian Ombudsman. This provides the opportunity to achieve significant benefits through scale and scope economies that would not be available to a small stand-alone Energy and Water Ombudsman Scheme. It also creates the opportunity for improved quality service delivery through the highly developed, specialised expertise existing in the office of the Western Australian Ombudsman.

At 30 June 2022, the Energy and Water Ombudsman was comprised of 12.45 full time equivalent employees reporting to the Western Australian Ombudsman in his role as Energy and Water Ombudsman. The structure of the Office is shown below.



About Us

Direct operational dispute resolution services are provided by a team of staff reporting through the Deputy Energy and Water Ombudsman to the Western Australian Ombudsman in his role as Energy and Water Ombudsman. Complex investigations, as well as the review of complaints, can be provided through senior investigating staff of the Western Australian Ombudsman's office. Other services, including communications and information technology, are provided through the Executive and Corporate Services Division of the Western Australian Ombudsman.

Our Services

The Energy and Water Ombudsman receives, investigates and resolves complaints and disputes from residential and small business customers about their electricity, gas or water provider. The following table describes matters that the Energy and Water Ombudsman can and cannot investigate.

Matters the Energy and Water Ombudsman CAN Investigate

Provision or supply of services as required by a licence or agreement under legislation;

- Billing, the administration of credit and payment services and the recovery of debts;
- Disconnection and restriction of supply, and refundable advances;
- Payments for breaches of prescribed electricity and water service standards;
- Marketing of gas, electricity or water for sale;
- A Member's exercise of its powers in relation to land, neighbouring land or property;
- Complaints and disputes relating to a Member or an agent referred by a Member or an agent; and
- Complaints by a person affected by the provision of a water service.

Matters the Energy and Water Ombudsman CANNOT Investigate

- The setting of prices or tariffs or determining price structures;
- Commercial activities outside the scope of the electricity, gas or water service licence;
- The content of Government policies; and
- Complaints under consideration by, or previously considered by, any court or tribunal or the Ombudsman considers should be dealt with by a court or tribunal.

The Energy and Water Ombudsman also liaises closely with providers in order to achieve effective dispute resolution, and with the community to provide effective access to our services.

Our Objectives

The primary objectives of the Energy and Water Ombudsman are to:

- Resolve disputes between Members and their customers in a timely, independent, cost effective and efficient manner;
- Reduce the number of investigations by the Ombudsman through:
 - Ensuring Members are fully informed about costs of investigations; and
 - Working collaboratively with Members to achieve satisfactory internal resolutions:
- Ensure the appropriate level of consumer awareness of, and access to, the Energy and Water Ombudsman; and
- Develop and actively foster effective stakeholder relations.

Strategies to Achieve Our Objectives

During 2021-22, we focused on the following key strategies to achieve our objectives and our Mission in accordance with our Values:

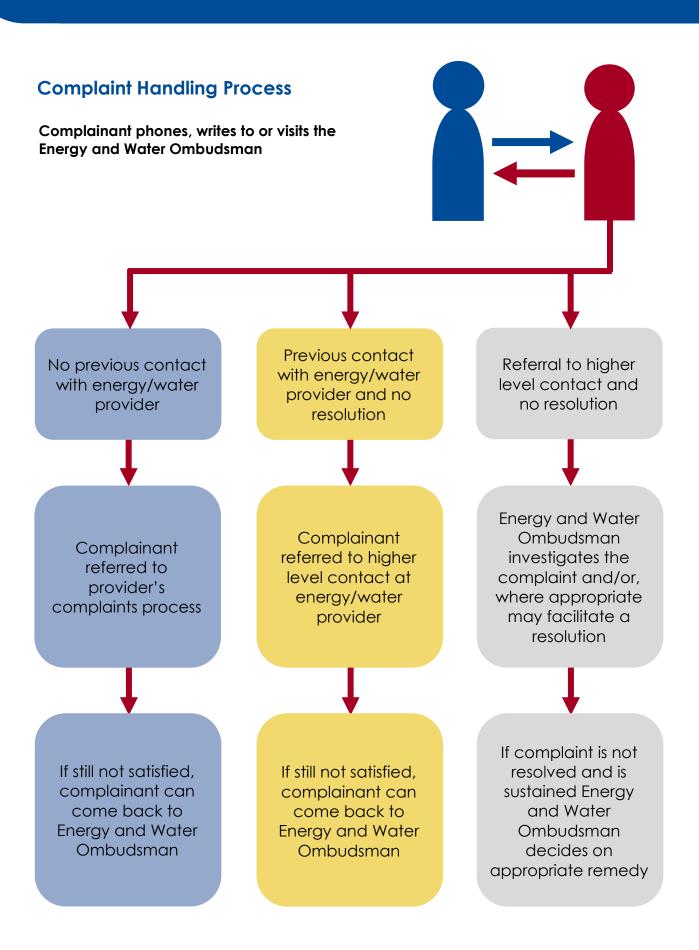
- Ensuring the Scheme is valued by consumers and Members by deploying independent, efficient and effective complaint management practices and applying industry best practice alternative dispute resolution;
- Based on information gathered during the complaints management process, identify systemic and emerging issues and reporting on these issues to the ERA and other relevant stakeholders: and
- Develop and undertake outreach, education, liaison and other programs with a focus on under-represented Western Australians.

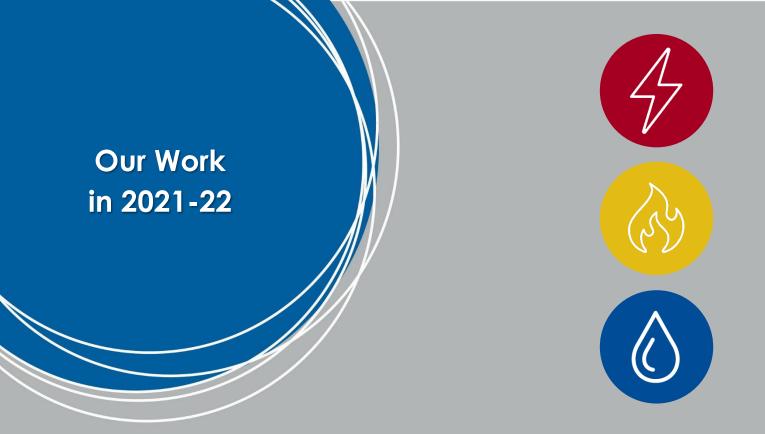
Our Complaint Resolution Process

Consistent with other industry ombudsman schemes, the Energy and Water Ombudsman has a focus on the resolution of complaints by the electricity, gas or water provider and asks people making a complaint to try to resolve the matter with the provider first. The Energy and Water Ombudsman investigates complaints that remain unresolved after referral to a higher level contact with the electricity, gas or water provider.

When resolving complaints, the Energy and Water Ombudsman pursues them in a fair, reasonable, just, informal and expeditious manner, having regard to the law and licences, industry codes, deemed contracts and good industry practice applicable to the relevant Member.

About Us

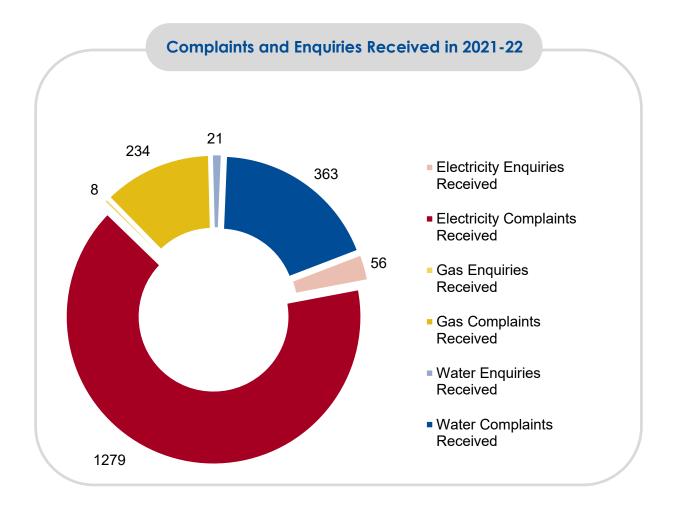




- Complaints and Enquiries Received
- Complaints Finalised
- Issues Raised in Complaints
- Disconnections
- Investigated Complaints

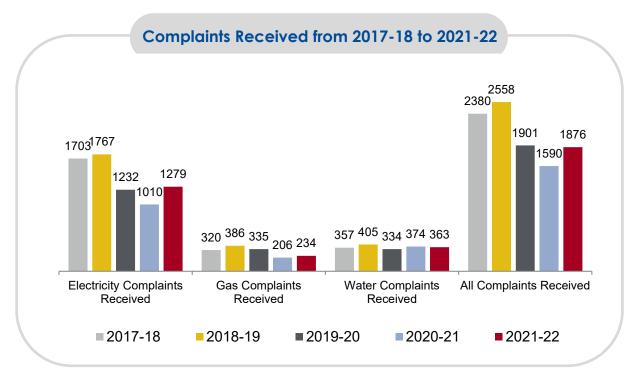
Complaints and Enquiries Received

Over the 12 month period from 1 July 2021 to 30 June 2022, the Energy and Water Ombudsman received 1,876 complaints and finalised 1,871 complaints. In addition, 85 enquiries were received. The following chart shows the breakdown of complaints and enquiries received for gas, electricity and water in 2021-22.

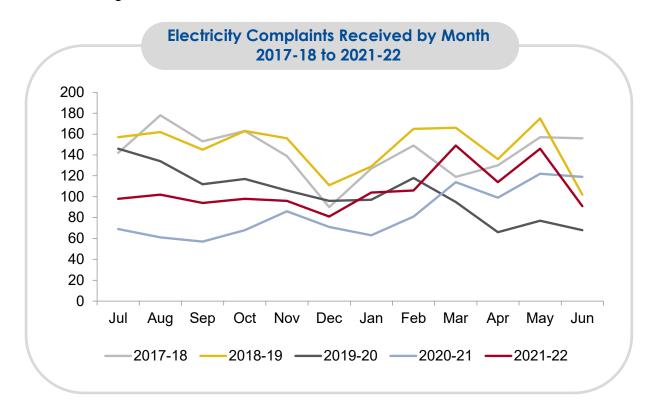


Trends in Complaint Numbers

The following chart shows the trend in complaint numbers over the last five years for electricity, gas and water complaints.



Further details of the trends in electricity complaints over the last five years are shown in the following chart.



Complaints Finalised

Complaints are finalised through resolution by the electricity, gas or water provider where possible and, if the matter cannot be resolved at that level, the complaint is investigated. The complaint stages and action taken by the Energy and Water Ombudsman at each stage are shown below.

0.1			
Stage	1	Comp	laints

The person has not yet contacted the electricity, gas or water provider. The person is referred to the relevant provider.

Stage 2 Complaints

The person has had at least one contact with their electricity, gas or water provider (such as contact to the call centre) but the complaint has not been resolved. The Energy and Water Ombudsman refers the complaint to a 'higher level' officer for resolution within 10 business days.

Investigated Complaints

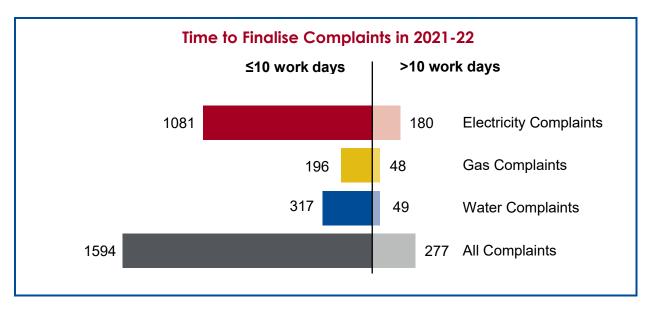
If a complaint remains unresolved after it has been referred to a 'higher level' officer at the relevant provider, the person can bring their complaint back to the Energy and Water Ombudsman for investigation. Where appropriate, the Energy and Water Ombudsman may attempt to facilitate a resolution.

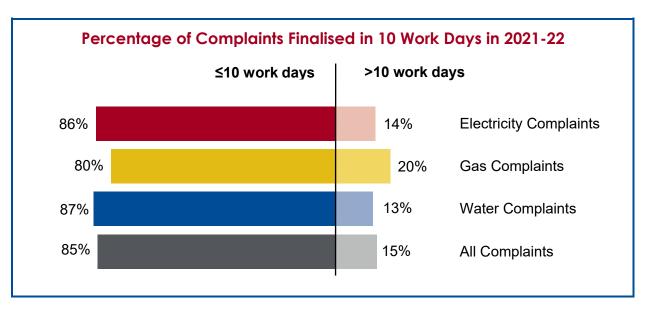
In 2021-22, there were 1,871 complaints finalised, comprising 1,261 electricity complaints, 244 gas complaints and 366 water complaints.

Timeliness of Complaint Handling

The Energy and Water Ombudsman has maintained its high levels of timeliness in 2021-22 with 86% of electricity complaints, 80% of gas complaints, 87% of water complaints and 85% of all complaints being finalised within 10 business days.

The following charts show the timeframes for resolving electricity, gas and water complaints in 2021-22.





Issues Raised in Complaints

Issues raised in electricity, gas and water complaints fall into the following categories:

Billing	Complaints about bills including alleged errors and disputes over meter readings and fees and charges.		
Credit	Complaints about payment arrangements, debt collection issues and payment difficulties.		
Customer Service	Complaints about alleged poor customer service.		
Supply	Complaints about the quality and reliability of supply of electricity, gas or water.		
Provision	Complaints about connection issues.		
Land	Complaints about the way a provider has exercised its powers relation to land.		
Service Standard Payments	Complaints about regulated payments for poor service.		
Transfer	Complaints about transfers from one provider to another.		
Marketing	Complaints about the marketing activities of providers.		
Drainage, Irrigation or Sewerage	Complaints about the supply of drainage, irrigation or sewerage.		
General	Complaints not covered by other categories, including complaints by a person affected by a water service.		

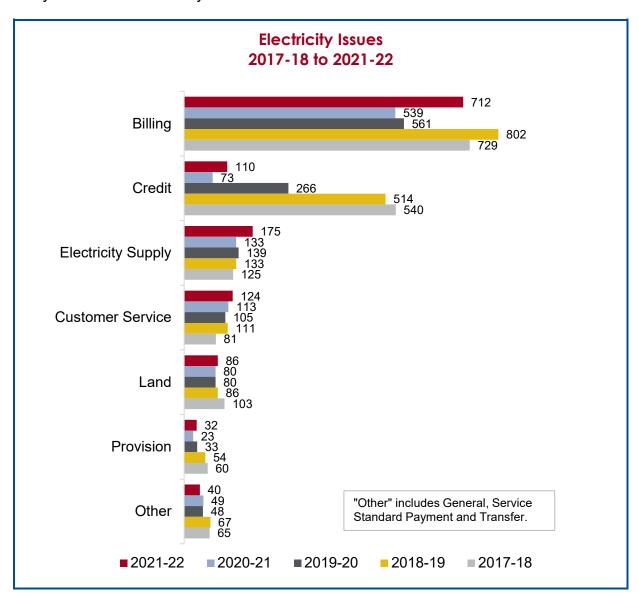
Most Common Issues Raised

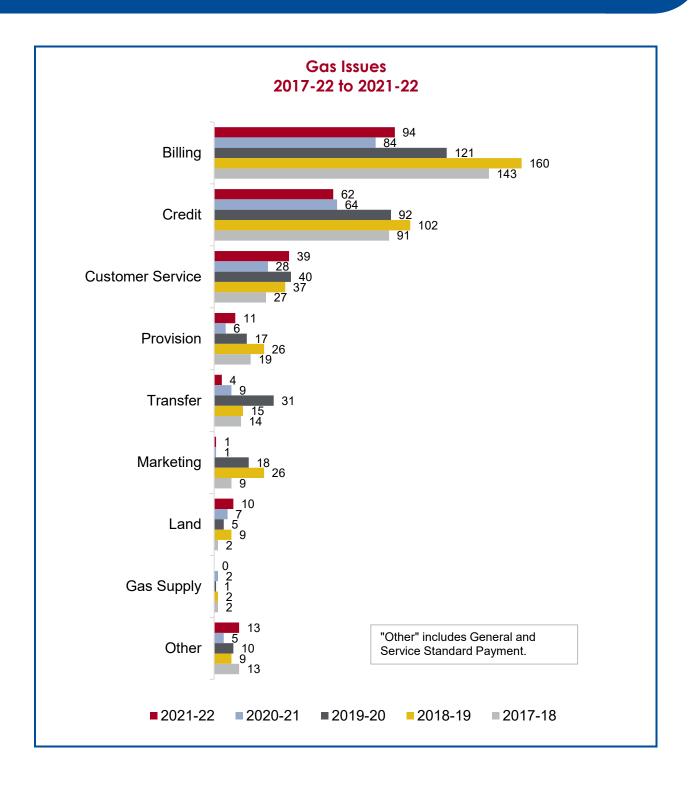
As for previous years, during 2021-22, billing remains the most common issue raised for electricity, gas and water complaints. Billing issues were raised in 52% of complaints received (56% of electricity complaints, 40% of gas complaints and 48% of water complaints). During the year there has been a increase in billing complaints of 32% for electricity, 12% for gas and 4% for water.

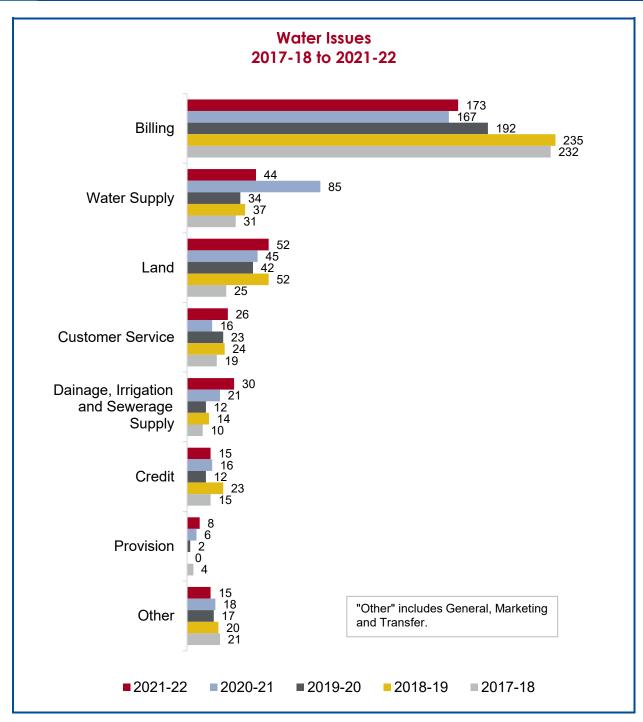
Supply and credit are also common issues for complaints, with:

- Supply issues raised in 13% of complaints received (14% of electricity complaints and 20% of water complaints); and
- Credit issues raised in 10% of complaints received (9% of electricity complaints, 26% of gas complaints and 4% of water complaints).

The following charts show the trends in issues raised in complaints over the last five years for each industry.







Note: The 85 complaints about Water Supply in 2020-21 include 37 complaints that relate to a single unplanned water outage incident.

Reasons for Billing and Credit Complaints

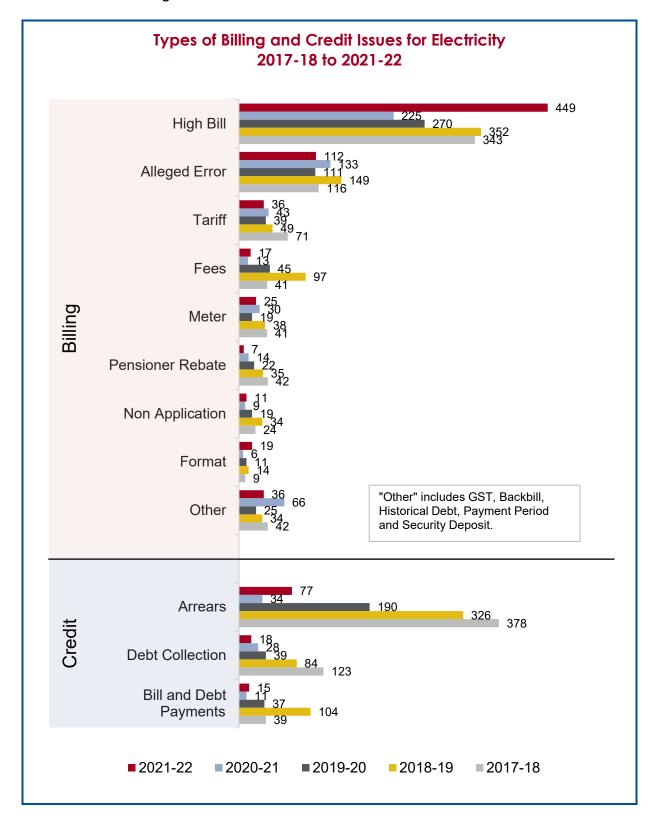
Complaints about billing and credit issues may be made for a range of reasons. The main types of billing and credit issues are:

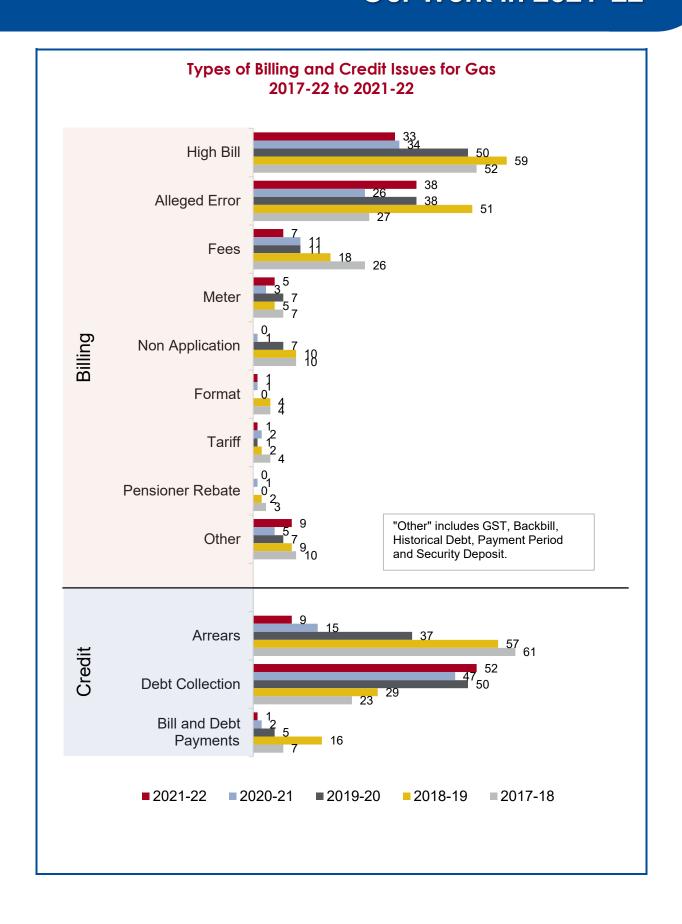
Types of Billing Issues				
High Bill	Bill higher than expected.			
Alleged Error	Alleged billing errors.			
Meter	Metering issues.			
Non Application	Disconnections due to the customer not applying for an account.			
Tariff	Incorrect rates or lack of information about tariffs.			
Fees	Fees and charges.			
Pensioner Rebate	Rebate has not been applied or has been incorrectly applied.			
Format	Format or lack of adequate information on bill.			
Other	Includes backbills, GST, historical debt, payment periods and security deposit.			
Types of Credit Issues				
Payment of Arrears	Payment of arrears from previous bills, including extensions and payment plans.			
Debt Collection	Credit rating or debt collection issues.			
Bill and Debt Payments	Customer has received a high bill and has difficulty in payment, has difficulty paying debts or problems with payment arrangements.			

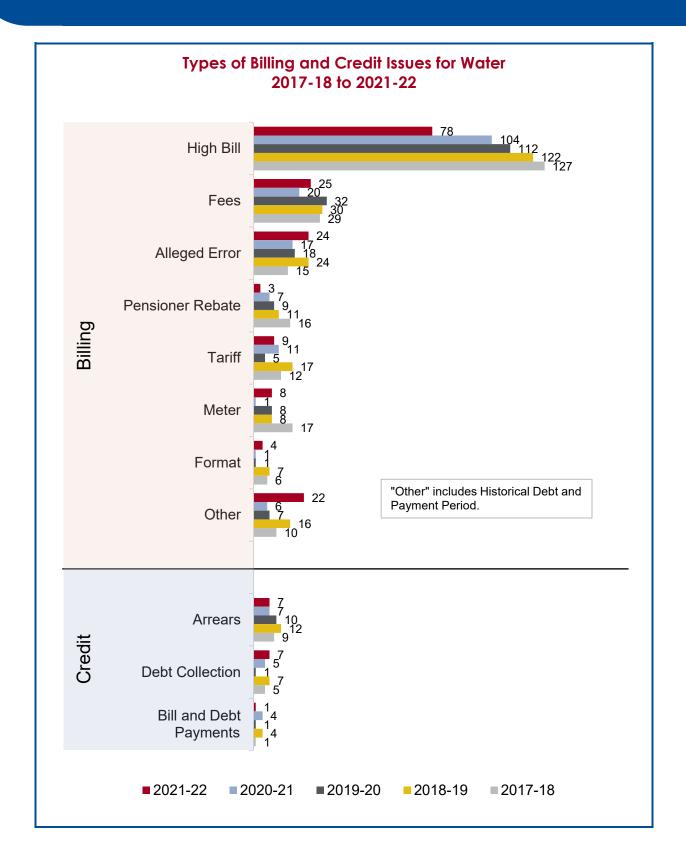
In 2021-22, the main reasons for billing complaints were high bills and alleged errors.

For electricity and water, the main reason for credit complaints was payment of arrears, and for gas, it was credit rating or debt collection issues.

The trends over the last five years in the different types of billing and credit issues are shown in the following charts.







Disconnections

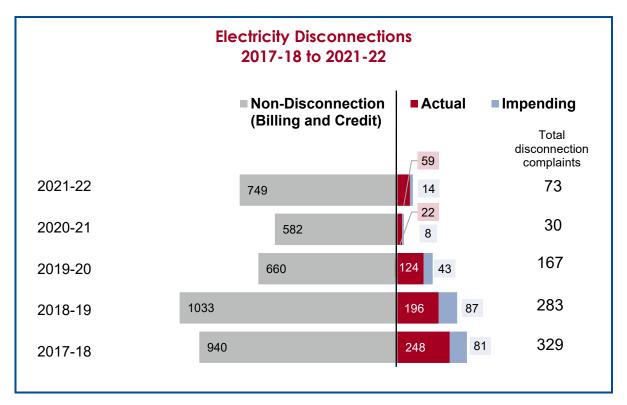
Gas and electricity retailers sometimes disconnect supply when a customer has failed to pay their bill or has not applied for an account when they take up a new residence. Before disconnecting, a reminder notice and then a disconnection warning should be sent. Complaints about reminder notices and disconnection warnings are recorded by the Energy and Water Ombudsman as impending disconnections. Complaints about a disconnection that has already occurred are recorded as actual disconnections. Water providers can restrict water supply, rather than disconnect, when a customer has failed to pay their bill.

During 2021-22, there were:

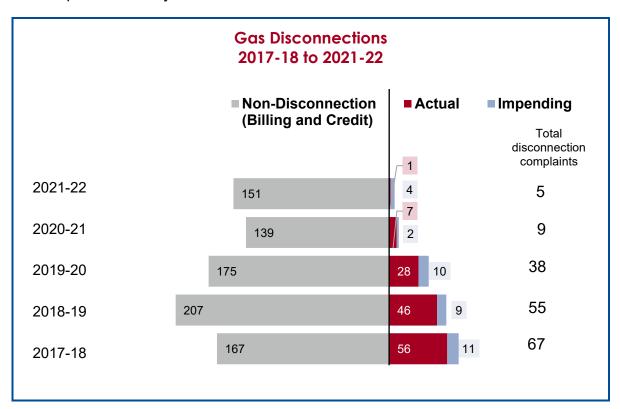
- 822 electricity complaints involving billing and credit issues and, of these, 59 involved actual disconnection and 14 involved an impending disconnection;
- 156 gas complaints involving billing and credit issues and, of these, one involved an actual disconnection and four involved an impending disconnection; and
- 188 water complaints involving billing and credit issues and, of these, one involved an impending water restriction.

The following charts show trends for electricity and gas complaints relating to billing and credit issues involving, and not involving, disconnections.

For electricity, complaints about actual and impending disconnections in 2021-22 were higher than last year and significantly lower than the three years prior.



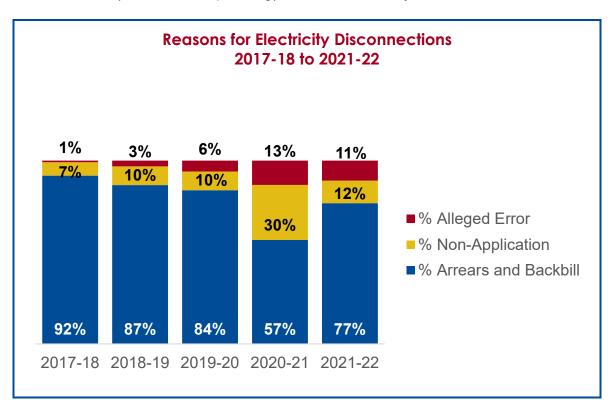
For gas, complaints about actual and impending disconnections in 2021-22 were lower than the previous four years.

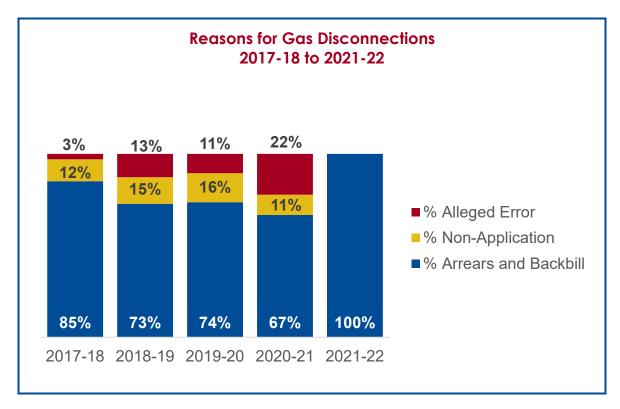


Actual or impending disconnections can occur for the following reasons:

Reasons for Disconnection				
Arrears and Backbills	Customer has not paid their bill or a backbill for a previous period.			
Non Application	The customer has moved into or acquired a property and not applied to their retailer for an account to be established.			
Alleged Error	Customer claims that they have been, or are about to be, disconnected due to an alleged error by the retailer.			

For both electricity and gas, most complaints received about disconnections relate to arrears in bill payments. The following charts show the trends in the reasons for all disconnections (actual and impending) over the last five years.





Note: percentages may not add to 100% due to rounding.

Investigated Complaints

The Energy and Water Ombudsman refers complaints to the electricity, gas or water provider to resolve the matter in the first instance and most complaints are resolved directly between the customer and the provider. If the customer does not consider the matter is resolved they can bring their complaint back to the Energy and Water Ombudsman for investigation.

Facilitated Resolution Prior to Investigation

Prior to investigation, where appropriate, the Energy and Water Ombudsman may attempt to facilitate a resolution between the customer and the provider before commencing an investigation.

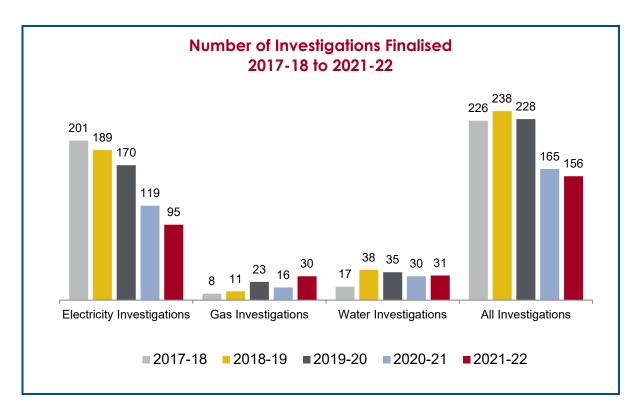
The facilitated resolution process involves the Energy and Water Ombudsman contacting the provider to allow it a further two business days to try to resolve the complaint and working with both the customer and the provider to facilitate a resolution. The Energy and Water Ombudsman monitors the process to ensure the matter is resolved. If the provider does not wish to attempt a further resolution or there is not a resolution in a reasonable timeframe, the complaint is investigated.

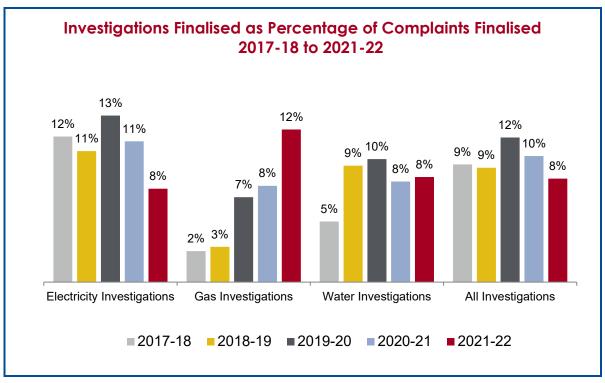
In 2021-22, there were 260 complaints finalised after being referred back by the customer for investigation, of which 75 (29%) were finalised through a facilitated resolution prior to investigation, 54 for electricity, nine for gas and 12 for water. A further 29 complaints were finalised prior to investigation as they were out of jurisdiction, withdrawn, there was no further contact or further investigation was not warranted.

Investigations Finalised

In addition to the 104 complaints finalised prior to investigation, there were 156 complaints finalised in 2021-22 following an investigation by the Energy and Water Ombudsman, including 95 electricity complaints, 30 gas complaints and 31 water complaints.

Trends in the numbers and proportion of investigated complaints over the last five years are shown in the following charts.





Outcomes of Complaints Referred Back for Investigation

Complaints that are referred back by a customer to the Energy and Water Ombudsman for investigation may be finalised for the following reasons:

- The Energy and Water Ombudsman facilitates a resolution prior to the commencement of an investigation;
- The Energy and Water Ombudsman facilitates a resolution during the investigation;
- Investigation of the matter shows that it is out of jurisdiction;
- The investigation shows the complaint is not sustained;
- The investigation shows the matter is sustained and the Energy and Water Ombudsman makes a binding determination, including an appropriate remedy; or
- Further investigation is not warranted for a range of reasons.

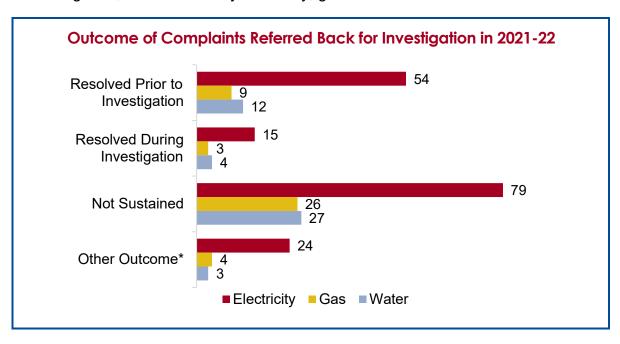
The most common outcomes for the 260 complaints finalised in 2021-22 after being referred back for investigation were as follows:

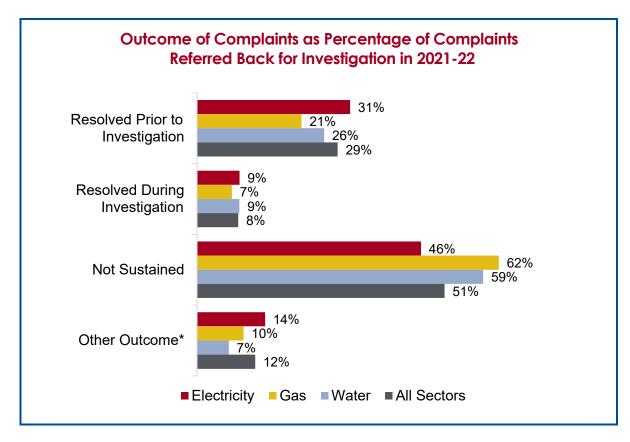
- In 75 (29%) of the 260 complaints, a resolution between the customer and the provider was facilitated prior to commencing an investigation;
- In 22 (8%) of the 260 complaints, a resolution between the customer and the provider was facilitated during the investigation; and
- In 132 (51%) of the 260 complaints, the investigation showed the complaint was not sustained.

Smaller proportions of complaints were finalised prior to or following an investigation because they were found to be out of jurisdiction (nine in 2021-22), further investigation was not warranted (13 in 2021-22), the complaint was withdrawn (three in 2021-22) and there was no further contact (six in 2021-22).

There were no binding determinations by the Energy and Water Ombudsman in the 2021-22 reporting period.

The following chart shows the outcomes, in 2021-22, of the complaints referred back for investigation, broken down by electricity, gas and water.





* Other Outcome includes out of jurisdiction, further investigation not warranted, no further contact or withdrawn.

Resolutions for Complaints

Electricity, gas and water providers may offer a range of actions to resolve a complaint including reducing bills, correcting or removing credit listings, providing the complainant with more time to pay, or providing compensation, an explanation or an apology. Bills may be reduced for a variety of reasons including correction of errors (for example, payment of rebate entitlements). Compensation may be paid where a customer has suffered a loss or damage due to the actions of their electricity, gas or water provider.



Case Study

Pensioner receives backdated rebate

A customer, a pensioner, discovered that a concession that had previously been provided had not been applied to their bills for many years. They complained to their Retailer, who provided a credit for the missed rebate back several years to a previous call between the customer and the Retailer. The customer complained to the Energy and Water Ombudsman that the rebate should be further backdated to the time the rebate was incorrectly removed from their account.

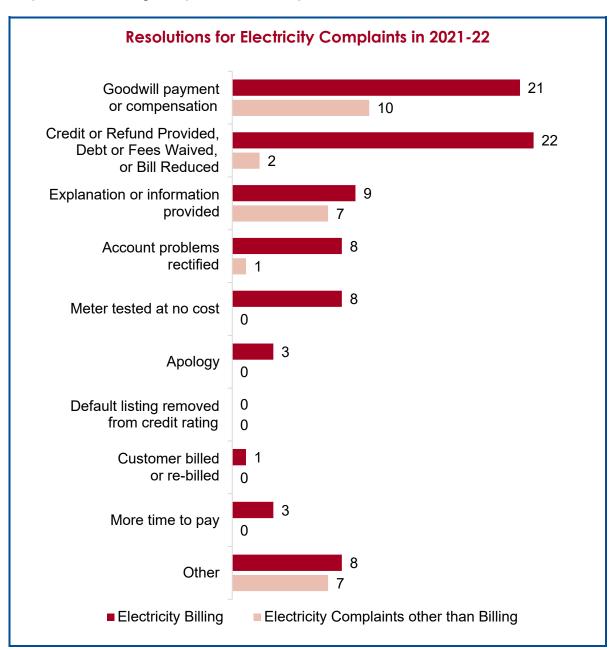
The Energy and Water Ombudsman's investigation considered a range of relevant matters, including the contract between the Retailer and the customer, the case notes held by the Retailer and good industry practice. The investigation found that the rebate was incorrectly removed and that there were no records showing that the Retailer attempted to inform the customer that the rebate had been removed from their account. As a result of the Energy and Water Ombudsman's investigation, the Retailer agreed to backdate the rebate to the time it was removed.

Our Work in 2021-22

Resolutions for Electricity Complaints

In 2021-22, there were 110 actions offered by electricity providers for the 69 electricity complaints that were resolved after being referred back by the customer to the Energy and Water Ombudsman for investigation. The number of actions undertaken is higher than the number of complaints resolved as there is often more than one action taken by the provider to resolve the complaint. For example, the retailer may reduce the bill and offer an apology.

The following chart provides the breakdown of the actions offered in 2021-22 to resolve complaints, for billing complaints and complaints about other issues.



Our Work in 2021-22

Resolutions for Gas Complaints

In 2021-22, there were 17 actions offered by gas providers for the 12 gas complaints that were resolved after they were referred back for investigation, including:

- Default listing removed from credit rating (6);
- Credit or refund provided, debt or fees waived or bill reduced (3);
- Account problems rectified (2);
- More time to pay (2);
- Explanation or information provided (2); and
- Other remedies (2).

Resolutions for Water Complaints

In 2021-22, there were 21 actions offered by water providers for the 16 water complaints that were resolved after they were referred back for investigation, including:

- Explanation or information provided (6);
- Credit or refund provided, debt or fees waived or bill reduced (5)
- Goodwill payment or compensation (5);
- More time to pay (1); and
- Other remedies (4).

The following case studies illustrate the outcomes of complaints and, where appropriate, the resolutions offered by providers.

Case Study



Pensioner receives assistance for water leak

A customer received an unexpected large water bill and contacted their water provider. Due to the customer's circumstances, the water provider arranged a plumber to complete a water audit and carry out minor repairs at no charge to the customer. The plumber identified that certain water pipes were deteriorating and provided the customer with a quote for their repair. The customer complained to the Energy and Water Ombudsman about the cost of repair.

Before commencing an investigation, the Energy and Water Ombudsman sought to facilitate a resolution with the water provider. The water provider was not obliged to repair the customer's water pipes as they were on the customer's side of the meter. Nevertheless, given the customer's situation, the water provider contributed to the plumber's costs and waived water usage charges from the customer's account.



Case Study

Network infrastructure moved for customer

A Distributor installed an 'outrigger stay', a cable that supports the power pole, on a pole in front of a customer's property. The customer complained that, while the stay was on the verge and not within their property, it was in the way and should be moved or the previous support for the power pole reinstated. The customer said that the Distributor should have consulted them on the location of the stay before installation. The Distributor informed the customer that the stay was installed in accordance with the applicable legislation and standards and the customer's feedback about being consulted on the installation would be considered for future improvements. The customer complained to the Energy and Water Ombudsman.

Prior to the Energy and Water Ombudsman commencing an investigation, the Distributor informed the Energy and Water Ombudsman that it would attend the customer's property to see if the stay could be moved to a location more suitable to the customer. The Distributor subsequently agreed to move the stay.

Our Work in 2021-22

Case Study



Change in regulation gets customer's solar connected

A customer had their application to install a solar photovoltaic (**PV**) system declined by the Distributor on the basis of the capacity of the local electricity network infrastructure. The Distributor informed the customer that they would have to either pay to upgrade the infrastructure or install a smaller PV system. The customer complained to the Energy and Water Ombudsman.

The Energy and Water Ombudsman's investigation considered a range of relevant matters, including the relevant laws, codes and guidelines that applied to the Distributor's management of the network infrastructure. The Energy and Water Ombudsman found that, at the time the customer's application was declined, the Distributor was appropriately applying the guidelines to maintain reliable supply to customers connected to the local electricity network infrastructure. However, during the course of the investigation, the guidelines changed to provide that newly installed PV inverters could be managed remotely to manage electricity supply fluctuations. This meant that the customer could reapply to the Distributor for the installation of a PV system as originally requested.





- Stakeholder Liaison
- Awareness and Accessibility

Effective engagement with key stakeholder groups is essential to the achievement of effective complaint resolution, increased awareness of the services provided by the Office and identification and addressing of systemic issues. The Office does this through:

- Continuous liaison and communication with key stakeholders including Members (electricity, gas or water providers), regulators and industry-based ombudsmen; and
- Ensuring ongoing access to its services for residential and small use customers, and community groups who represent them.

In November 2021, the Energy and Water Ombudsman Board approved a revised *Communications Strategy 2022-2026*. This strategy identifies activities designed to enhance the promotion of, and access to, the Energy and Water Ombudsman by key stakeholders. Further details about these activities are detailed in this section.

Stakeholder Liaison

The Office regularly liaises with a number of key stakeholders. This continuous communication and feedback process allows the Office to better understand relevant industry issues and to encourage best practice and leadership in dispute resolution.

Members

In order to achieve effective dispute resolution, the Office liaises closely with Members. The Office was involved in regular meetings with Members as outlined below:

- In July and October 2021, and February and April 2022, the Assistant Energy and Water Ombudsman met with representatives of AGL to discuss ongoing liaison;
- In July 2021 and May 2022, the Assistant Energy and Water Ombudsman met with representatives of Horizon Power to discuss ongoing liaison;
- In September 2021, the Assistant Energy and Water Ombudsman met with representatives of Synergy to discuss ongoing liaison, and in June 2022, to discuss emergency solar management;
- In October 2021 and January 2022, the Assistant Energy and Water Ombudsman met with representatives of Western Power to discuss ongoing liaison; and
- In March 2022, the Deputy Ombudsman and Assistant Energy and Water Ombudsman met, in person and via teleconference, with senior representatives from the nine Members with the greatest number of complaints, to discuss complaint trends and projections as part of the Energy and Water Ombudsman's budget planning for 2022-23.

The Economic Regulation Authority and other regulators

During 2021-22, the Office continued its regular interaction with the industry regulator, the ERA. The Office was involved with meetings and liaison with the ERA and other regulators as outlined below:

- In July 2021 and June 2022, the Assistant Energy and Water Ombudsman attended meetings with the ERA's Consumer Consultative Committee;
- In July 2021, the Assistant Energy and Water Ombudsman attended the second day of the Energy in Western Australia conference Change and all that it encompasses. The conference looked at the current status and trends in energy policy and regulation; energy pricing, affordability and competition; renewables and energy transformation;
- In October and December 2021, and March and May 2022, the Assistant Energy and Water Ombudsman attended liaison meetings with senior staff of the ERA; and
- In November 2021, the Ombudsman met with the Chair, ERA.

Industry Ombudsmen

Liaison and collaboration with other industry-based ombudsmen provides an opportunity for the Office to benchmark its performance and stakeholder communication activities against other similar agencies, and to identify areas for improvement through the experience of others. A summary of the liaison with these industry bodies is outlined below:

- The Energy and Water Ombudsman attended the Australia and New Zealand Energy and Water Ombudsman Network (ANZEWON) meetings via teleconference in July and November 2021. ANZEWON provides a forum for utility industry ombudsmen in Australia and New Zealand to enhance effectiveness, efficiency and appropriate consistency of complaint handling across the jurisdictions. Members are able to share appropriate information and jointly consider emerging consumer issues; and
- The Australian and New Zealand Ombudsman Association (ANZOA) is a peak group for parliamentary and industry-based ombudsmen in Australia and New Zealand. It acts as a network for consultation and discussion for ombudsmen on matters of interest, concern or common experience. Staff participated in regular special interest group meetings with ANZOA Members via teleconference, including Vulnerable Consumers, Systemic Issues and Policy Influence, and Public Relations and Communications.

Awareness and Accessibility

Community Presentations and Information

The Office continued to engage with the community and community sector organisations at a range of events and forums, including:

- In July 2021, the Assistant Energy and Water Ombudsman met with One Stop One Story (OSOS) Hub Overview via videoconference. The OSOS Hub enables frontline workers in corporate and community organisations to connect and refer their clients to a range of supports through a single access point;
- In July and November 2021 and May 2022, the Principal Project Officer presented on the role of the Energy and Water Ombudsman to members of the community at the Lorikeet Centre (Mental Illness Fellowship of WA), in collaboration with the Health and Disability Services Complaints Office;
- In August 2021, the Ombudsman made a presentation to new members of Parliament on the role of the Ombudsman and Energy and Water Ombudsman;
- In October 2021, the Principal Project Officer and Senior Research and Project Officer held an information stall at the Multicultural Communities Council of WA Mental Health Week event mini expo;
- In November 2021, the Office undertook an electronic mailout of information about the Energy and Water Ombudsman and relevant publications to over 470 consumer and community organisations and 95 electorate offices of Members of the Western Australian Parliament;
- In November 2021, the Assistant Energy and Water Ombudsman and an Enquiry and Investigating Officer held a stall at the Financial Counsellors' Association of WA Conference marketplace;
- In November 2021, the Senior Investigating Officer presented at the Financial Counsellors' Association of WA Conference rural, regional and remote day;
- In April and June 2022, the Assistant Energy and Water Ombudsman attended the Western Australian Advocates for Consumers of Energy Forum, as an observer, via videoconference; and
- In May 2022, the Assistant Ombudsman Energy and Water presented to the WA Council of Social Services' Community Relief and Resilience Forum.

Regional Awareness and Accessibility Program

The Office continued the Regional Awareness and Accessibility Program (the Program) during 2021-22. A regional visit was conducted to Kununurra, Wyndham, Halls Creek, and a remote Aboriginal community in the East Kimberley Region in August-September 2021 and Broome, Derby and Fitzroy Crossing in the West Kimberley Region in October 2021. The visits include activities such as:

- Drop-in clinics, which provided an opportunity for members of the local community to raise their concerns face-to-face with the staff of the Office;
- Meetings provided an opportunity for Aboriginal communities to discuss service delivery and where the Office may be able to assist; and
- Liaison with community, advocacy and consumer organisations to provide further information and discussion.

The Program is an important way for the Office to raise awareness of, access to, and use of, its services for regional and Aboriginal Western Australians. The visits were coordinated with the Western Australian Parliamentary Ombudsman, the Health and Disability Services Complaints Office, the Equal Opportunity Commission, the Commonwealth Ombudsman, the Corruption and Crime Commission and the Department of Mines, Industry Regulation and Safety (Consumer Protection).

The Office also held an information stall at the Dowerin Machinery Field Days agricultural show in August 2021, in collaboration with the Western Australia

Parliamentary Ombudsman and the Health and Disability Services Complaints Office.

The Program enables the Office to:

- Deliver key services directly to regional communities, particularly through complaint clinics;
- Increase awareness and accessibility among regional and Aboriginal Western Australians (who were historically under-represented in complaints to the Office); and
- Deliver key messages about the Office's work and services.

The Program also provides a valuable opportunity for staff to strengthen their understanding of the issues affecting people in regional and Aboriginal communities.



The Office held an information stall at the Dowerin Machinery Field Days Agricultural Show in August 2021.

Energy and Water Ombudsman Website

The Energy and Water Ombudsman website provides a wide range of information and resources for members of the public on the complaint handling service provided by the Office.

Some of the features of the new website include:

- Information in a wide range of community languages as well as builtin text-to-speech and translation;
- Accessible for people with disability and tested to comply with Web Content Accessibility Guidelines version 2.1 level AA;
- Treegy and Water Crebudanas

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- Fully responsive for access from mobile devices;
- New community resources such as latest statistics and a searchable case study library; and
- One-click access to an interactive complaint form. The form will assist users with contacting the electricity, gas or water provider if they have not already done so, and inform them where they can go for complaints that are outside the Office's jurisdiction.

Publications

The Energy and Water Ombudsman provides publications to assist complainants to understand the role of the Energy and Water Ombudsman and the Energy and Water Ombudsman's complaint process.

The Energy and Water Ombudsman's complaint forms and information sheets are translated into 19 community languages to ensure accessibility for people from culturally and linguistically diverse backgrounds. The translated forms and information feature on the website and are available in hard copy on request.







- Company Particulars as at 30 June 2022
- Independent Audit Opinion
- Statement of Profit or Loss and Other Comprehensive Income
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows

Company Particulars as at 30 June 2022

Energy and Water Ombudsman (Western Australia) Limited ACN 109 054 426				
Registered address	c/- Kennerlys 37 Ord Street West Perth WA 6005			
Postal address	c/- Kennerlys PO Box 1125 West Perth WA 6872			
Board	Chairperson: Directors Customer Representative: Customer Representative: Customer Representative: Gas Industry Representative: Electricity Industry Representative: Water Industry Representative: Alternative Directors Gas Industry Representative: Electricity Industry Representative: Water Industry Representative: Water Industry Representative:	Michael Schaper (Appointed 16/02/2022) Sonia McKeiver Marguerite Anklesaria Kathryn Lawrence Brent Graham Colin Smith Karen Willis Christopher Campbell Gino Giudice (Resigned 13/01/2022) Stephenie Barnes (Appointed 13/01/2022) Ronny Flendt (Resigned 17/03/2022) Jason Ducie (Appointed 21/04/2022)		
Company Secretary	Leendert Johan Ouwendyk			
Accountants	Kennerlys PO Box 1125 West Perth WA 6872			
Auditor	Nexia Perth GPO Box 2570 Perth WA 6000			

Energy and Water Ombudsman (Western Australia) Limited ACN 109 054 426

Members

Gas Industry

AGL Sales Pty Limited Alinta Sales Pty Ltd Amanda Energy Pty Ltd ATCO Gas Australia

Electricity Generation and Retail Corporation (Synergy)

Esperance Gas Distribution Company Pty Ltd

Esperance Power Station Pty Ltd

IPower Pty Ltd and IPower2 Pty Ltd (Simply Energy)

Origin Energy Pty Ltd Perth Energy Pty Ltd

Wesfarmers Kleenheat Gas Pty Ltd

Electricity Industry

AER Retail Pty Ltd
Alinta Sales Pty Ltd
Amanda Energy Pty Ltd
A-Star Electricity Pty Ltd
Change Energy Pty Ltd
Delorean Energy Retail
Clear Energy Pty Ltd

Electricity Generation and Retail Corporation (Synergy)

Electricity Networks Corporation (Western Power)

Peel Renewable Energy Pty Ltd (renamed from Enwave WA Pty Ltd)

Perdaman Energy Retail Pty Ltd

Perth Energy Pty Ltd

Regional Power Corporation (Horizon Power)

Rottnest Island Authority

Wesfarmers Kleenheat Gas Pty Ltd

Water Industry

Agua Ferre (Muchea) Pty Ltd (Muchea Water)

Aquasol Pty Ltd

Athena Water Solutions Pty Ltd

BHP Nickel West Pty Ltd

BHP Iron Ore Pty Ltd

Bunbury Water Corporation (Agwest)

Busselton Water Corporation

City of Kalgoorlie-Boulder

Gascoyne Water Co-operative

Hamersley Iron Pty Ltd

Lancelin South Pty Ltd

Ord Irrigation Cooperative

Robe River Mining Co Pty Ltd

Rottnest Island Authority

Shire of Dumbleyung

Shire of Gnowangerup

Shire of Lake Grace
South West Irrigation Management Co-operative Limited (Harvey Water)

Water Corporation

Water West North Dandalup Pty Ltd

Independent Audit Opinion



Auditor's independence declaration under section 307C of the Corporations Act 2001

To the directors of the Energy and Water Ombudsman (WA) Limited

I declare that, to the best of my knowledge and belief, during the audit of financial statements of Energy and Water Ombudsman (WA) Limited for the year ended 30 June 2022, there have been no contraventions of

- the auditor's independence requirements of the Corporations Act 2001 in relation to the audit; and
- (ii) any applicable code of professional conduct in relation to the audit.

NPAS

Nexia Perth Audit Services Pty Ltd

Justin Mulhair Director

24 August 2022 Perth

Nexia Perth Audit Services Pty Ltd

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INDEPENDENT AUDITOR'S REPORT TO THE DIRECTORS OF ENERGY AND WATER OMBUDSMAN (WA) LIMITED

Report on the Financial Report

Opinion

We have audited the accompanying financial report of the Energy and Water Ombudsman (WA) Limited ("the Company"), which comprises the statement of financial position as at 30 June 2022, the statement of comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the directors' declaration.

In our opinion, the accompanying financial report of ABC Company Ltd is in accordance with the Corporations Act 2001, including:

- giving a true and fair view of the Company's financial position as at 30 June 20XX and of its financial performance for the year then ended; and
- (ii) complying with Australian Accounting Standards Simplified Disclosures and the Corporations Regulations 2001.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of our report. We are independent of the Company in accordance with the independence requirements of the Corporations Act 2001 and the ethical requirements of the Accounting Professional & Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (including Independence Standards) (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We confirm that the independence declaration required by the *Corporations Act 2001*, which has been given to the directors of the Company, would be in the same terms if given to the directors as at the time of this auditor's report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of the Directors for the Financial Report

The directors of the Company are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards and the *Corporations Act 2001* and for such internal control as the directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

Nexia Perth

Audit Services Pty Ltd ACN 145 447 105

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In preparing the financial report, the directors are responsible for assessing the company's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the entity or to cease operations, or have no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of our responsibilities for the audit of the financial report is located at The Australian Auditing and Assurance Standards Board website at:

https://auasb.gov.au/auditors_responsibilities/ar4.pdf. This description forms part of our auditor's report.

We also provide the directors with a statement that we have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on our independence, and where applicable, related safeguards.

NPAS

Nexia Perth Audit Services Pty Ltd

Justin Mulhair

Director

24 August Perth

Statement of Profit or Loss and Other Comprehensive Income

Energy and Water Ombudsman (WA) Ltd For the year ended 30 June 2022

	2022 \$	2021
Income		
Complaint/Dispute Revenue	2,824,514	2,736,356
Total Income	2,824,514	2,736,356
Other Income		
Other Revenue	-	10,000
Total Other Income	-	10,000
Total Income	2,824,514	2,746,356
Expenses		
Accounting Expense	32,020	31,392
Amortisation	9,685	9,685
Bank Fees	120	120
Directors Fees	57,798	60,670
Dispute Costs	2,547,089	2,451,758
Filing Fee	250	383
Insurance	4,250	4,042
Professional Fees	20,738	20,153
Superannuation	5,780	23,886
Contingency expense	10,181	-
Recruitment costs	-	9,191
Total Expenses	2,687,911	2,611,280
Profit/(Loss) before Taxation	136,603	135,076
Income Tax Expense		
Income Tax Expense	34,151	30,609
Total Income Tax Expense	34,151	30,609
Net Profit After Tax	102,452	104,467
Total Comprehensive Income for the year	102,452	104,467

Statement of Financial Position

Energy and Water Ombudsman (WA) Ltd As at 30 June 2022

	30 JUN 2022 \$	30 JUN 2021 \$
Assets	*	
Current Assets		
Cash at Bank	1,094,060	1,217,521
Prepayments	1,077	1,020
Total Current Assets	1,095,137	1,218,541
Non-Current Assets		
Intangibles	29,055	38,740
Total Non-Current Assets	29,055	38,740
Total Assets	1,124,192	1,257,281
Liabilities		
Current Liabilities		
Tax Creditors	9,612	196,708
Current Tax Liabilities	25,069	70,163
Current Payroll Liabilities	-	733
Total Current Liabilities	34,681	267,604
Non - Current Liabilities		
Deferred tax liability	7,264	9,882
Total Non-Current Liabilities	7,264	9,882
Total Liabilities	41,945	277,486
Net Assets	1,082,247	979,795
Equity		
Retained Earnings	1,082,247	979,795
Total Equity	1,082,247	979,795

Statement of Changes in Equity

Energy and Water Ombudsman (WA) Ltd For the year ended 30 June 2022

	•	\$
	RETAINED EARNINGS	TOTAL
Equity		
Opening Balance	979,794	875,327
Increases		
Profit for the year	102,452	104,467
Total Increase	102,452	104,467
Total Equity	1,082,246	979,794

Statement of Cash Flows

Energy and Water Ombudsman (WA) Ltd For the year ended 30 June 2022

	2022	2021
Operating activities		
Cash receipts from operating activities		
Complaint/Dispute Revenue	2,623,533	2,877,080
Joining Levy	10,083	22,000
Annual Levies	289,131	306,607
Other Revenue	-	10,000
Total Cash receipts from operating activities	2,922,747	3,215,687
Cash payments from operating activities		
Accounting Expense	(38,100)	(34,475)
Auditing Expense	(3,850)	(3,575)
Contingency expense	(11,199)	
Corporate Secretarial	(18,962)	(18,593)
Dispute Costs	(2,801,798)	(2,696,934)
Employer Additional Superannuation	-	(16,550)
Filing Fee	(250)	(383)
Bank Fees	(120)	(120)
Recruitment costs	(120)	(10,110)
Directors Fees	(57,798)	(60,670)
Superannuation	(5,780)	(7,336)
GST Payable	(67,578)	(10,405)
PAYG Withholdings Payable	(4,160)	728
ATO Integrated Client Account	9,150	-
Superannuation Payable	(733)	(6,617)
Prepaid Insurance	(4,307)	(4,080)
Total Cash payments from operating activities	(3,005,485)	(2,869,120)
Income tax refunded/(paid)	(0,000,400)	(2,000,120)
Income tax reidinded/(paid)	(40,724)	(48,653)
Total Income tax refunded/(paid)	(40,724)	(48,653)
Net Cash Flows from Operating Activities	(123,462)	297,914
Investing activities		
Website development costs paid	-	(16,242)
Net Cash Flows from Investing Activities	-	(16,242)
Financing activities		
Cashflow From Financing Activities	-	
ŭ		
Net Increase/(Decrease) in Cash	(123,462)	281,672
Cash and cash Equivalents		
Cash and cash equivalents at beginning og year	1,217,521	935,849
Net change in cash for period	(123,462)	281,672
Cash and cash equivalents at end of year	1,094,059	1,217,521



