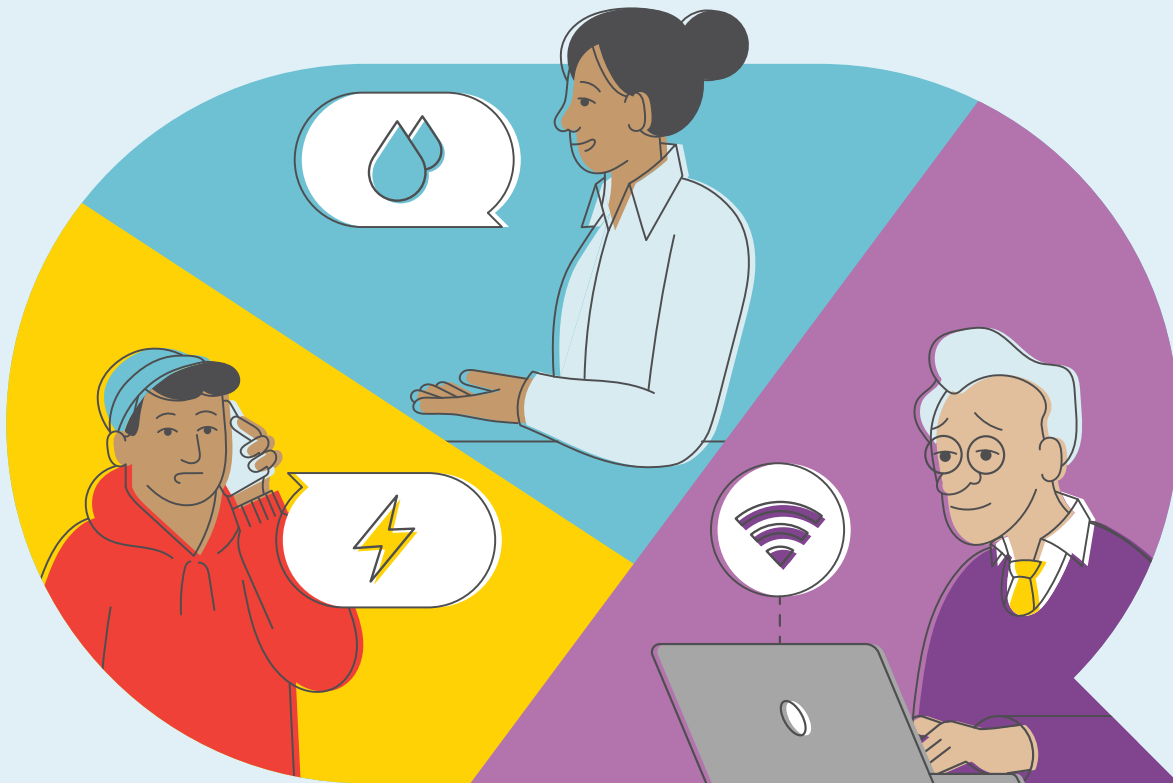




UTILITIES
DISPUTES
TAUTOHETOHE
WHAIPAINGA



2022–2023 year in review

Utilities Disputes | Tautohetohe Whaipainga believes that access to utilities is vital to everyday life. We resolve complaints and promote trust between consumers and their energy companies. This is how we make that happen.

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A message from the Chair

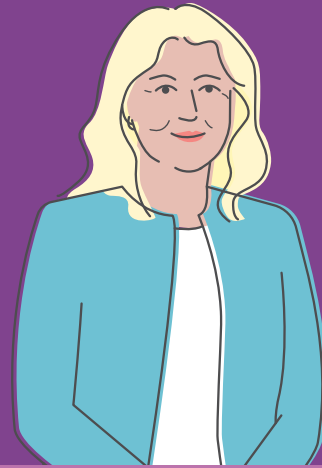
In March 2023, Tautohetohe Whaipainga | Utilities Disputes, now known as UDL, was finally able to celebrate 22 years of utilities dispute resolution. What began as a self-regulated scheme for the resolution of electricity disputes between consumers and electricity providers in 2001 has now grown into legislatively recognised schemes for electricity, gas, broadband, a voluntary water scheme and a telco scheme all under the UDL banner.

UDL continues to seek opportunities where we can to provide leading dispute resolution services. UDL remains focused on the core principles that have stood the test of 22 years – accessibility, accountability, effectiveness, efficiency, fairness and independence. And adding professionalism these seven pillars direct all our services.

We would not be here today without the foresight, drive and contributions from previous board members, advisory committee members and Commissioners. I want to acknowledge them and all staff who have served UDL and helped change peoples' lives for the better.

The UDL board is focused on continued growth through demonstrated leadership in dispute resolution services

Globally governments are recognising that resolving complaints is a key social factor that can make a difference within communities. This is particularly true with the rising cost of many basic utilities. We know people want fast reliable services that are cost effective, flexible and work when they want them. If something goes wrong, they value an independent body like UDL that can help them resolve it. Trust is also important – in fact trust is the new currency of our time. UDL services restore and build trust between consumers and their utility providers.



Our advisory committees are vital as they support the work we do providing a crucial link with both industry and consumers. The Board joins me in thanking our advisory committee members for their willingness to assist and advise UDL as we lead Aotearoa New Zealand in preventing, educating, preventing and resolving utilities disputes.

My thanks to my fellow board members for their support, their dedication and their passion in governing UDL to a new future. This year we farewelled future director Corey Heberd, who is now a member of the newly formed Water Complaints Scheme Advisory Committee. Ruth Smithers, Mark Gatland, Kyle Christensen and Dr Brian McCulloch continue as Board members.

The Board and I also thank the Commissioner Mary Ollivier, Deputy Commissioner Neil Mallon and UDL staff for their commitment, professionalism and focus during an exciting year that highlights the true strength of UDL – its people.

Te tōia, tē haumatia

Nothing can be achieved without a plan, workforce and way of doing things

Hon Heather Roy

Heamana
UDL Chair

A message from the Commissioner

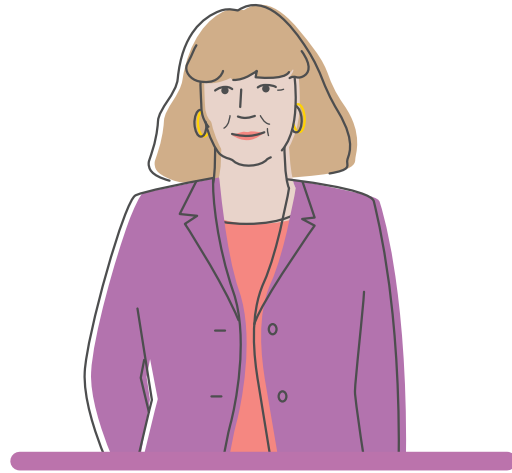
This past year UDL has made good traction in our core work as well as celebrating a significant milestone. We continue to look ahead, focusing on engaging with our communities – the more communities who know about us the more people we can help in sorting their disputes.

We were delighted to finally celebrate UDL's 20 years of providing dispute resolution services on 9 March 2023 at a well-attended event in Wellington. We were privileged to have both former Commissioners attend and were able to showcase a commemorative video highlighting UDL's story. At the same time, we launched a book on our history, written by Nannette Moreau, former Commissioner, who was on hand to personally sign copies.

During this year we received 15,177 total cases across all schemes. This is 13 percent less than last year's record numbers which we can attribute to better messaging by providers and UDL, to avoid receiving those enquiries meant for the provider. While we still receive these, they are significantly less than last year. More significantly, there has been a 21% increase for complaints and disputes from last year, which links directly to receiving more general enquiries which inevitably leads to more complaints.

We have enhanced our KPIs, made improvements in our early resolution team structure, provided training for staff in tikanga Māori mediation, secured talented staff, and improved our decision writing. There has been a consolidation of our flexible working arrangements, including a dedicated work-from-home day and a welcome return to kanohi ki te kanohi | face-to-face engagements.

We are building resilience within our organisation, focusing on wellness, both physical and mental, to identify early signs of stress and supporting our team. We have set up a dedicated committee



to discuss workplace issues raised by staff and implemented a staff recognition programme – Bonusly that has been embraced.

A large focus during the year has been on planning for and implementing our new Microsoft Dynamics CRM system and Microsoft Omni Channel phone system. This has included transfer of appropriate data, user acceptance testing and ensuring our information technology is secure.

I am very thankful to Hon Heather Roy, UDL's Heamana | Chair, and our Board and advisory committee members who always provide expert guidance, support and assistance. I also wish to acknowledge and thank Team UDL for their professionalism and willingness to continually improve and provide a better service.

"Nā mōhiotanga ko māramatanga. Nā māramatanga ko huarahi. Nā huarahi ko whainga. Nā whainga ko kaha. Nā kaha ko eke. Nā eke ko angitū. E kokoia e ara e!"

From knowledge comes enlightenment. From enlightenment comes the pathway. From the pathway comes the goal. From the goal comes strength. From strength comes progress. From progress comes success. Emerge, arise!

Mary Ollivier

Toihau | Commissioner

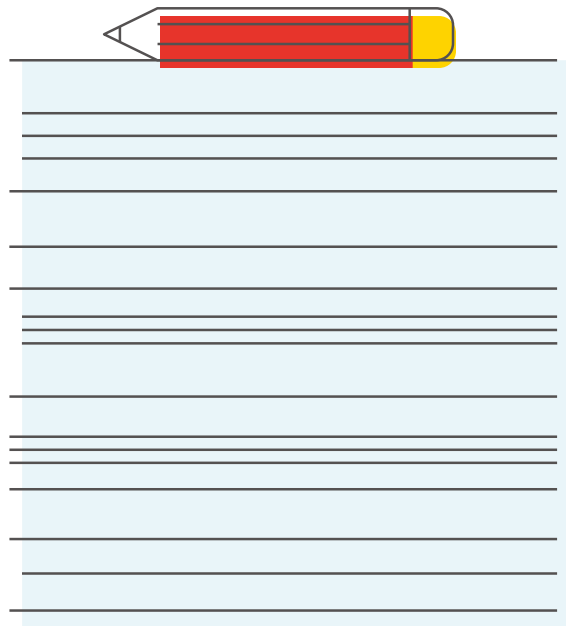
Tumu Whakarae | Chief Executive Officer

The year in numbers

**We are hearing
more of your
complaints**

21%

increase in the
number of complaints
compared to last year



15,177

cases were received
in 2022–2023

(17,409 in 2021–2022)

1,335

complaint summaries
were produced on
behalf of consumers
in 2022–2023

Complaint summaries

One of the important services we provide to consumers who contact us with a complaint is our complaint summaries. These are a concise, plain English, written version of the complaints that consumers pass on to our Early Resolution Service team. Our staff identify key issues of the complaint and precis these into a complaint summary including the consumer's view on what would resolve the issues. This summary improves the ability for the consumer and their utility company to resolve the complaint quickly and effectively. It's also an excellent way to assist consumers who are unsure of how they can effectively raise their issue with their utility company.

All schemes¹

Enquiries²

10,444

(13,690 in 2021–2022)

Complaints³

4,733

(3,719 in 2021–2022)



2022–2023

Deadlocked complaints⁴

638

(509 in 2021–2022)

Accepted cases⁵

164

(167 in 2021–2022)

Accepted cases closed⁶

173

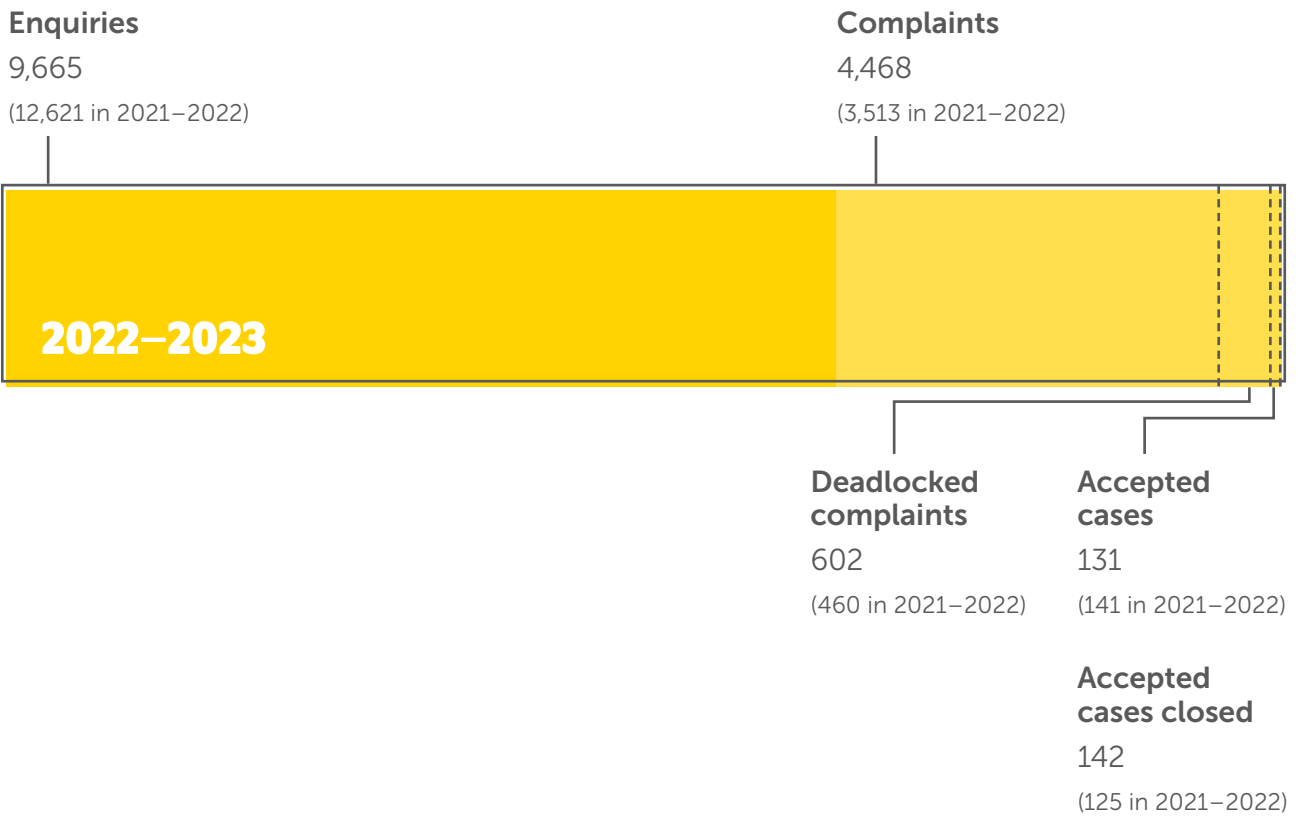
(154 in 2021–2022)

- 1 This includes 869 cases outside the jurisdiction of our schemes.
- 2 Where a consumer is simply seeking information or assistance or has contacted us in error (thinking they were calling their provider).
- 3 An expression of dissatisfaction made to or about a provider where a response or a resolution is explicitly or implicitly expected. If the complaint is within 20 working days, we may carry out a three-way call or other dispute resolution method, provide a complaint summary or connect the consumer to their provider.
- 4 A complaint which has not been resolved by the parties where the provider has had 20 working days to resolve it, or the matter is serious enough to deadlock before this period (such as a potential disconnection). We assess jurisdiction and whether there are grounds to take no further action perhaps because the provider has already made a fair and reasonable offer. Most complaints are resolved before being accepted.
- 5 These are deadlocked complaints that are accepted as being within jurisdiction and suitable for investigation. If they cannot be resolved, the Commissioner will issue a decision.
- 6 Closed accepted cases can include cases from a previous financial year that were accepted during that period and then closed in the current financial year.

Energy



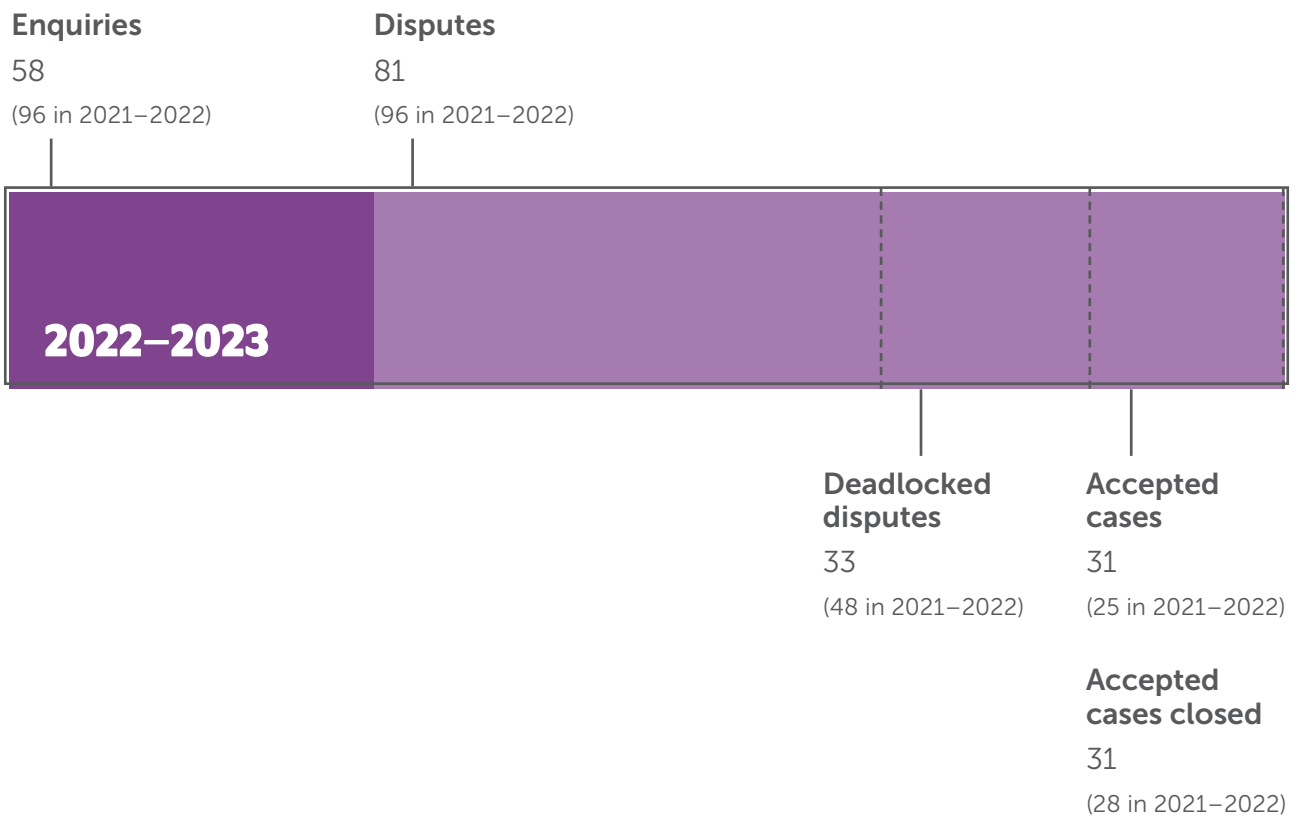
The Energy Complaints Scheme represents 93% of enquiries and complaints received. Energy membership continues to increase. At end of reporting year there are 368 energy scheme members. On average, energy complaints took 70.3 working days to close from date accepted to date closed. There were no compliance issues or systemic issues under the Energy Complaints Scheme to report during the year.



Broadband Shared Property Access Disputes Scheme



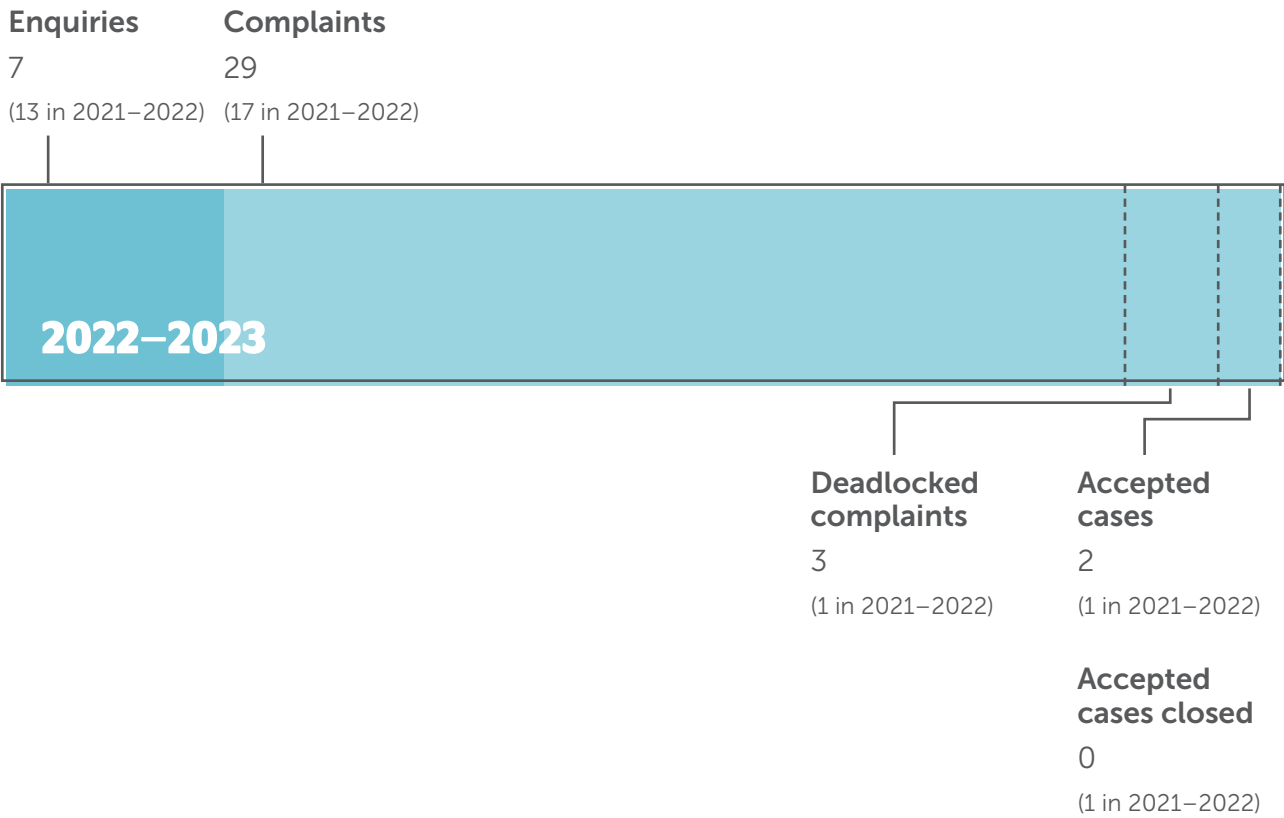
On average, Broadband Shared Property Access Disputes Scheme disputes took 49.5 working days to close from date accepted to date closed.



Water



The Water Complaints Scheme is a voluntary scheme in place since 1 February 2018. There are two members of the Scheme.



Our communities

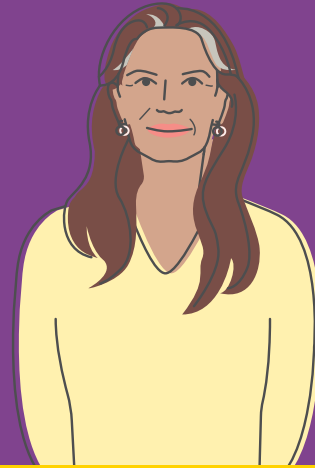
Trust and time are vital 'currencies' when building relationships and community engagement.

UDL is committed to putting in the time to be available for our communities and at times that work for them to talk through how we can help and sort complaints they may have. Our message that 'we are here to help' is essential as building trust helps us make a difference, especially in our vulnerable communities.

Jessica Niemack, our full time Communication Engagement Officer, works together with the UDL team to engage with social agencies that serve communities in Aotearoa New Zealand. During 2021-2022 our focus was building relationships within the Auckland region. The past year our focus has broadened to include Christchurch, Porirua and Wellington, Gisborne, Rotorua and New Plymouth.

Jessica's networking and relationship building meant that she was asked to lead a civil defence station following cyclone Gabrielle; a powerful example of working with the community. Jessica met with over 63 organisations this past year and many more individuals as we strive to be accessible and ensure all communities know about UDL and how we can help.

Through our community engagement we are invited to many community events including Permobil's major annual event – Power in the Park; a community open day for everyone



Jessica Niemack

Tautohetohe Whaipainga Kaitūtakinga
UDL Community Engagement Officer

celebrating and understanding accessibility. This is especially important when considering medically dependent and disabled people who rely on power to maintain life support or just general movement in automated machines.

Much of our engagement work is about getting alongside communities. Some examples include the African Communities Forum Incorporated (ACOFI) based in Tamaki Makaurau | Auckland, the Pride Project based in Manurewa and I AM Mangere. To meet the needs of the communities we work with we have begun trialing the hosting of 'surgeries' in community places. Consumers can come and talk to Jessica and have access to the wider UDL team to sort their complaints or simply to be able to have some questions answered like 'how to read my electricity bill'.

We have begun a series of roadshows to reach other communities that we have identified and we aim to engage with these on a regular basis getting our message out to those communities that need us most.

Te ao Māori journey

Selwyn Lackner-Priest has recently joined UDL. His great strength and aroha is helping people understand life from a Māori worldview – vital as our Te Ao Māori journey continues.

The past year

To tātou arotahi | our focus has been on joining the worlds of UDL competency in sorting complaints with iwi-based knowledge and understanding of dispute resolution.

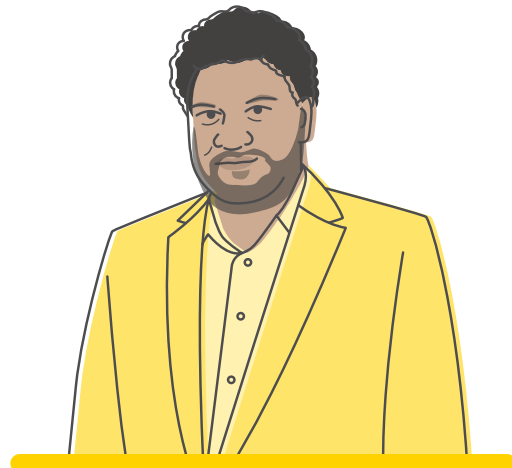
To tātou whāinga | our goal is to continue expanding our Māori engagement using Ngā Mātāpono Tūtaki | Principles of Engagement of Te Tiriti o Waitangi | Treaty of Waitangi namely:

1. Whakarangapū | Partnership
2. Whakaurunga | Participation
3. Whakamaru | Protection

We continue to use the lenses of mana whenua, whanaungatanga, and manaakitanga to remember, respect, acknowledge and engage with tangata whenua.

Our engagement is targeted at building relationships with iwi, hapū, marae, Māori organisations and Māori representatives locally and nationally. The past year we have focused on expanding our engagement within Auckland and South Auckland and then expanding to other communities including Gisborne, Rotorua and Porirua.

Kia whakatōmuri te haere whakamua | I walk backwards into the future with my eyes fixed on my past.



Selwyn Lackner-Priest

Pou Tikanga

UDL Māori Cultural Advisor

This proverb is of our Māori lens of time, where the past, the present and the future are viewed as connected, and life is a continuous universal process. Within this, time has no restrictions; it is both past and present. The past is central to and shapes both present and future identity. From this perspective, one carries their past into the future. The force of carrying one's past into the future is that our ancestors are always present, existing both within the spiritual realm and in the physical, alongside the living as well as within the living. It helps inform us today and the future.

Membership

Whakakati Prevent
Mātauranga Educate
Whakatatū Resolve

We continue to work with our members to enable sorting complaints earlier and faster using our platform of Whakakati Mātauranga Whakatatū.

This helps both the consumer and the member organisation.

We do this in a variety of ways through our mahi with webinars, our annual forum and face to face meetings.

Our annual forum is an opportunity for our members to learn from guest speakers and the UDL team taking away practical information they can use in the day-to-day mahi.

[View members](#)

374

members in 2022–2023



368

Energy



3

Broadband
Shared Property
Access Disputes



3

Water

20th Celebration, Annual forum and webinars

It was fantastic to finally celebrate UDL's 20 years of providing dispute resolution services (in fact 22) on 9 March 2023 at a well-attended event in Wellington. We were privileged to have both former Commissioners attend and show a commemorative video highlighting our story. A book on the history of UDL was also launched.



Annual forum

Our annual forum was held at the iconic Te Papa in March. It received overall positive feedback of 4.72/5. All the respondents said they would recommend our forum to colleagues.

One highlight was a panel comprising retailers, distributors and consumer representatives reflecting on lessons learned from Cyclone Gabrielle.

Feedback from our annual forum



So great to network and have a variety of people deliver presentations/panel. Keep up the good work.



This was an excellent gathering and very educational.



Excellent presenters, valuable info, well done!

Webinars

Seven webinars were held over the year:

- Deborah Hart: Chair of the Electricity Consumer Advocacy Council
- Surges, Spikes and Outages: Consumer Guarantees Act 1993
- Ron Beatty Webinar: Connecting and maintaining – common issues that can arise for consumers
- Paul Fuge: Consumer NZ
- UDL's Induction Webinar
- Age Concern: Elder Abuse and Neglect
- Netsafe: Scams

We aim to have all our webinars publicly available. Many webinars are viewed again after the livestream as a useful resource.

Feedback from our webinars



The many different types of scams were astounding, it was a highlight because it has provided me with tips and tools that I can use when working with my clients.



Great perspective given about how our elderly are so easily discounted and excluded by society generally.



I always enjoy and appreciate UDL webinars because they're so informative and engaging. Keep up the great work!

Complainant feedback



I am forever grateful and appreciate the help that was available to me. I had no idea UDL existed! Fortunately, I have never had to use you before. It's reassuring knowing moving forward you exist. Thank you for solving my issues with my ex-power provider.



UDL was very useful. We got a rapid response from both our electricity retailer and the lines company



Fabulous easy service. Felt taken seriously and couldn't have done it without them.

General provider feedback



It is always a pleasure to deal with (conciliator). His wealth of knowledge is amazing and dealing with him is seamless.

Graham's imposter



On paper, Graham owed his power company a substantial amount of money. He owed enough that a debt collection agency had been in contact to claim the overdue balance. The only problem was Graham had never been a customer of this company.

Someone had created an account under Graham's name, providing fraudulent details for Graham's date of birth, address, phone number, email address, and bank account.

The company supplied power to the imposter for over two years. During this time, the company received no payments or contact from the account holder, and it accrued a debt of \$6500 in Graham's name. The power company ultimately decided to refer the debt to a debt collection agency.

Graham complained to UDL. He said:

- the power company should have done more to confirm they were dealing with a legitimate customer before referring a debt in his name to the debt collection agency
- the power company should have acted quicker to remove the debt when he told it he was not its customer and never had been

- the power company should apologise for the distress and anxiety he had to go through to fix the situation it created.

The power company believed it had done all that was necessary before referring Graham to the debt collection agency and pointed to the fact it was the victim of fraud.

When UDL investigated Graham's complaint, it questioned whether the power company could have done more to confirm it was dealing with a legitimate customer before referring the debt to a debt collection agency. It also questioned whether the power company could have been quicker to withdraw the debt from the debt collector when Graham contacted it and confirmed he was not its customer.

Each case that UDL receives will have its own unique set of circumstances. In this case it appeared there were some indicators the power company may not be dealing with a legitimate customer. One of these was the fact it had received no payment or contact from Graham in over two years.

When considering a complaint UDL must have regard to any relevant law. In this case the Privacy Act 2020 was relevant.

While UDL has no power to make any findings under that Act it is something it may consider as part of an investigating a complaint. When collecting and disclosing customer's personal information all power companies must adhere to the Act's Privacy Principles. They must only collect personal

continued over the page...

Graham's imposter continued...



information if it is for a lawful purpose connected with their functions or activities, and the information is necessary for that purpose. They must also check personal information is accurate before using or disclosing it. Power companies must balance these obligations when signing customers up as customers and referring any debt to a debt collection agency.

In Graham's case the power company was asked to confirm how it had complied with its obligation to ensure it didn't disclose personal information about Graham to the debt collection agency without first taking necessary and reasonable steps to verify it was accurate. In making that enquiry UDL was aware any oversight or breach would be for the Privacy Commissioner to determine.

UDL was of the view that the circumstances of this case may have justified taking additional steps to confirm Graham was responsible for the debt before sending it to the debt collection agency. It also appeared the power company could have acted quicker to recall the debt when Graham contacted it.

The power company decided to look again at its processes and what it was willing to offer Graham.

It offered an apology and compensation for the stress and anxiety Graham had suffered. Graham and the power company were able to agree on \$2000 in compensation and a written apology. The power company also agreed to review its customer collection and reporting data going forward.

The empty bottle



Anahera ordered regular deliveries of 45kg LPG bottles to her home. She relied on these bottles for heating, and for the operation of many of her appliances.

One day while switching out an empty LPG bottle for her freshly delivered backup, Anahera found her new bottle was already empty.

She immediately contacted her gas delivery service to get an urgent replacement for the empty bottle. The supplier told Anahera she would need to pay \$250 for an urgent delivery. Because she needed the gas desperately, she paid the fee, and the supplier delivered the gas bottle.

Soon after, Anahera complained to the supplier. She said she felt bullied into paying the fee when she believed the supplier was required to replace the empty bottle they had delivered. The supplier said it did not deliver an empty bottle and would not return the urgent delivery fee.

Anahera brought the following complaints to UDL:

- the supplier should not have delivered an empty bottle
- the supplier should have replaced the empty bottle with a full bottle without charge once it was made aware of the mistake.

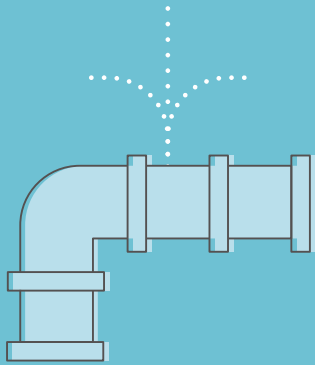
UDL investigated the complaint. We began by considering the possibility of an empty bottle being delivered. We raised the possibility of a delivery error, or an unnoticed leak, with the supplier. Although it suggested this was highly unlikely, it could not provide evidence that a full bottle had been delivered.

We also investigated the timeframe between delivery and complaint. Due to the regularity of Anahera's deliveries, we found that it would have been highly unlikely that she had used the entire bottle within the allotted time.

We took this information to facilitate negotiations between the complainant and the gas supplier. After a period of discussion, the supplier ultimately offered Anahera \$250 to cover the cost of the urgent delivery. Anahera accepted that and it resolved her complaint.



What starts as a leak...



Cameron was working on a property he owned, looking to add a new connection to the existing water pipes. After getting all the relevant approvals, he hired a contractor who quoted \$10,000 to complete the job. The contractor told Cameron the job would take one day.

Unfortunately, the age of the existing pipes led to a leak. Cameron immediately informed his water supplier of the leak. At this point the leak only manifested in minor bubbling through pavement, so the water supplier did not prioritise fixing it.

Two days later, the leak worsened significantly. Cameron alerted the water supplier again. This time the leak was assessed as urgent and was fixed the same day.

Cameron's project was delayed significantly because of the leaks. The expected one-day job of installing a new connection took four days, costing him a total of \$40,000. The water supplier offered \$2,000 in compensation, which he rejected.

Cameron came to UDL seeking \$30,000 to cover the additional costs of the leak. We investigated the following:

- Was the water supplier responsible for the leak through poor maintenance?
- Did the water supplier's decision to not immediately respond caused the leak to worsen, resulting in delays for the connection?
- Is the water supplier responsible for covering the additional costs caused by the leak?

UDL began by investigating the cause of the leak.

We determined the leak was not the result of any negligence by the water supplier nor did the fault lie with the organisation. Maintenance of the pipes was the responsibility of local Government, so the water supplier could not be held responsible for the initial leak.

UDL also determined the supplier responded within an acceptable timeframe. We considered its internal processes and found that the initial leak was minor enough to justify low prioritisation. Once the leak worsened, the supplier responded promptly to repair the damage.

We shared the details of this investigation with both parties, who then started a dialogue to sort the complaint amicably. The water supplier ultimately increased its offer to \$3,000 compensation for its part in not fixing the leak prior to its worsening, which Cameron accepted.

Don't dig on my driveway!



Claire was informed by a fibre installation company that it would need to make a slit on her driveway to install a fibre connection for surrounding properties. Claire objected to the installer exercising its right of access for the following reasons:

- the driveway is already damaged and may suffer further damage through the work
- it may impact existing planting surrounding the driveway
- it may impact other services that operate through that area
- she doesn't want a fibre connection, so it does not need to connect to her home.

Under the relevant legislation and UDL's rules, we determined the first two objections may be relevant when considering whether the fibre company must stop the installation. Objections can be raised if:

- the affected person can show the installation will impact or limit plans for development of the property

- the affected person believes the installation will unreasonably impact the person's enjoyment of the property, or worsen an existing problem with the property.

We began conversations between the fibre installer and complainant to try and find an agreeable solution.

After going back and forth between the parties, we discovered Claire was planning to have trenching done elsewhere on the property to install new water piping. We proposed that the fibre installers could coordinate with the contractors working on the water pipe installation and use the same trench to install the fibre. After a site visit, the installers confirmed that this would be possible.

Both parties agreed to this plan and the case was closed.

For the year ended 31 March 2023

Financial summary

All schemes

Total cases

15,177

(17,409 in 2021–2022)

Annual levy

4,752,033

(4,551,831 in 2021–2022)

Other income

97,745

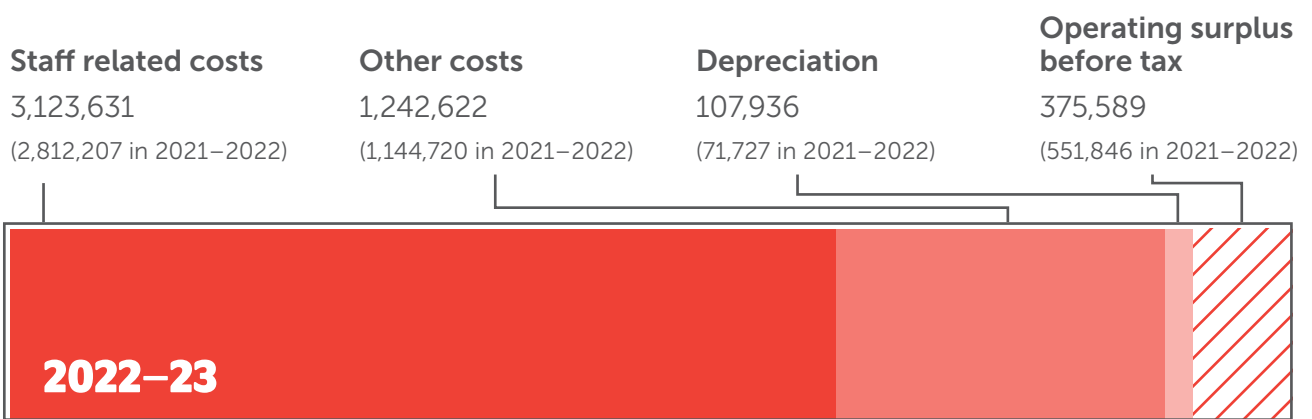
(28,669 in 2021–2022)



Total income

4,849,778

(4,580,500 in 2021–2022)



Total expenditure

4,474,189

(4,028,654 in 2021–2022)

Energy

Total cases

14,133

(16,134 in 2021–2022)



Annual levy

4,464,483

(4,233,003 in 2021–2022)

Other income

91,830

(26,661 in 2021–2022)



Total income

4,556,313

(4,259,664 in 2021–2022)

Staff related costs

2,940,350

(2,576,928 in 2021–2022)

Other costs

1,166,398

(1,066,101 in 2021–2022)

Depreciation

101,405

(66,703 in 2021–2022)

Operating surplus before tax

348,160

(549,932 in 2021–2022)



Total expenditure

4,208,153

(3,709,732 in 2021–2022)

Broadband Shared Property Access Disputes Scheme

Total cases

139

(192 in 2021–2022)



Annual levy

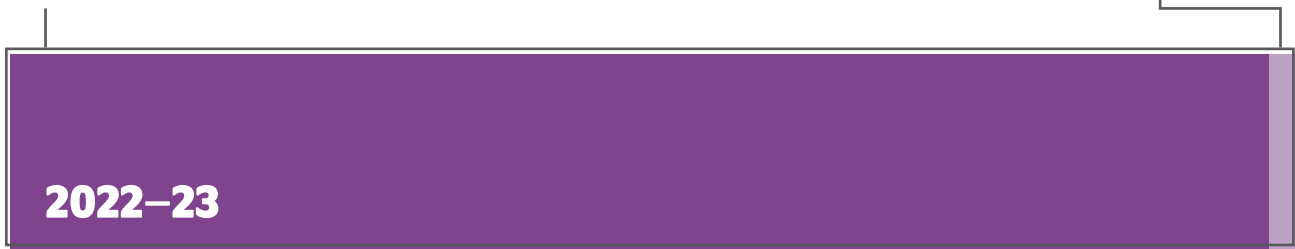
275,000

(312,000 in 2021–2022)

Other income

5,656

(1,965 in 2021–2022)



Total income

280,656

(313,965 in 2021–2022)

Staff related costs

177,076

(230,903 in 2021–2022)

Other costs

71,644

(76,871 in 2021–2022)

Depreciation

6,246

(4,916 in 2021–2022)

Operating surplus before tax

25,690

(1,275 in 2021–2022)



Total expenditure

254,966

(312,690 in 2021–2022)

Water

Total cases

36

(30 in 2021–2022)



Annual levy

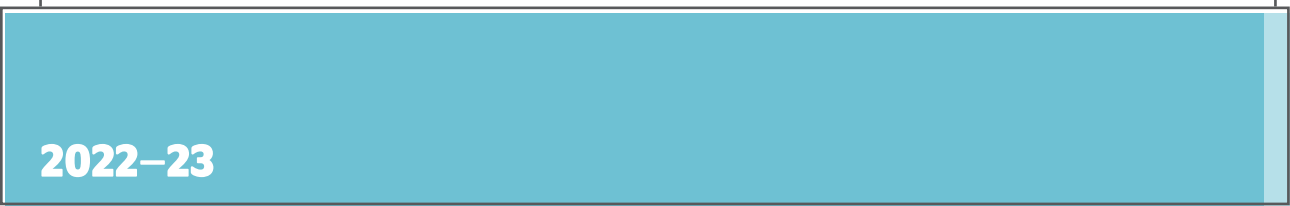
12,550

(6,828 in 2021–2022)

Other income

259

(43 in 2021–2022)



Total income

12,809

(6,871 in 2021–2022)

Staff related costs

6,205

(4,376 in 2021–2022)

Other costs

4,580

(1,748 in 2021–2022)

Depreciation

285

(108 in 2021–2022)

Operating surplus before tax

1,739

(639 in 2021–2022)



Total expenditure

11,070

(6,232 in 2021–2022)

Performance standards

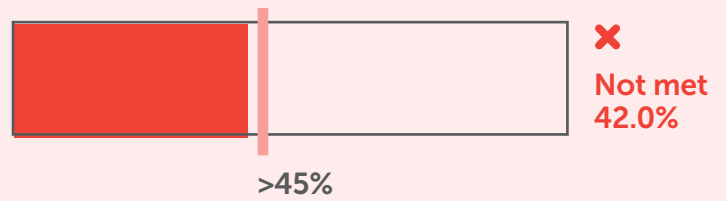
Time to close

The performance standards of 45% and 75% respectively for time to close accepted cases were not met this year. At year end, 42.0% (50.6%) of cases were closed in under 30 working days, and 74.1% (90.3%) of cases were closed in under 90 working days.

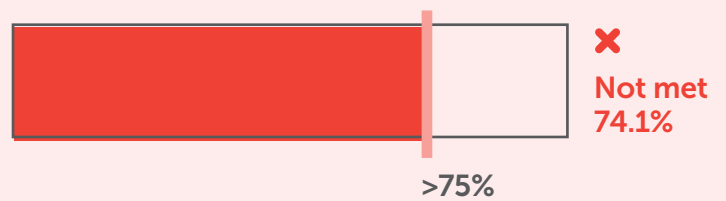
It is apparent that the significantly higher number of cases received and closed through our increased early resolution efforts at intake has meant the cases accepted and investigated, while not necessarily higher in number than previous years, are more complex and taking longer to close. Quick closures at the accepted case level are rarer than in previous years. It is expected that our newly developed KPIs will assist with improvements for the coming year.

Performance standard

>45% DL cases closed in 30 working days



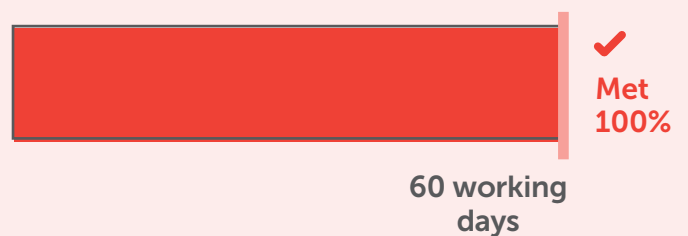
>75% DL cases closed in 90 working days



>90% DL cases closed in 180 working days



Scheme complaints¹ closed in 60 working days



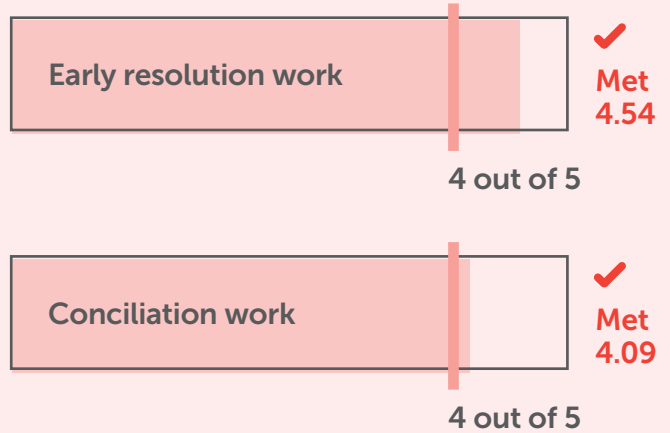
¹ A scheme complaint about UDL's operation, process, or a staff action.

Complainant satisfaction

Our feedback surveys were introduced in 2021. We survey complainants for different parts of our process which can be broadly divided into early resolution and conciliation work, the surveys include questions around ease of use, respect, understanding, and timeliness.

Performance standard

Goal: Reaching an average of 4 out of 5

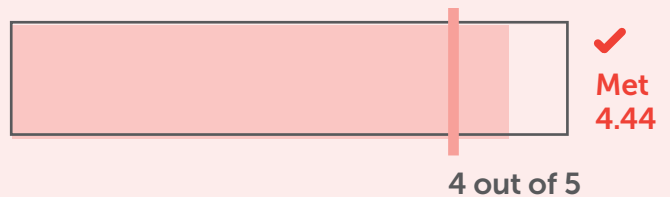


Provider satisfaction

Provider satisfaction is monitored in the same way as complainant satisfaction. We now survey providers at the point where a complaint concluded throughout our processes.

Performance standard

Goal: Reaching an average of 4 out of 5



Awareness and accessibility

The performance standard for awareness and accessibility is 20% unprompted recognition in a general awareness survey.

The MBIE consumer awareness survey is carried out every two years. It was last carried out in 2022 and reported in 2023.

Performance standard

16% prompted recognition in general awareness survey

MBIE did not produce a figure for unprompted awareness of UDL or any other dispute resolution schemes.

Compliance reporting

The Board monitors provider compliance with the Scheme.

Compliance reporting for the Energy Scheme is complete, accurate and on time. UDL is scheduled to complete the self-review exercise after the implementation of the new CRM.



UTILITIES
DISPUTES
TAUTOHETOHE
WHAIPAINGA