

2021–2022 year in review

Utilities Disputes | Tautohetohe Whaipanga 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

During 2022 Utilities Disputes, now known as UDL, celebrates 21 years of utilities dispute resolution.

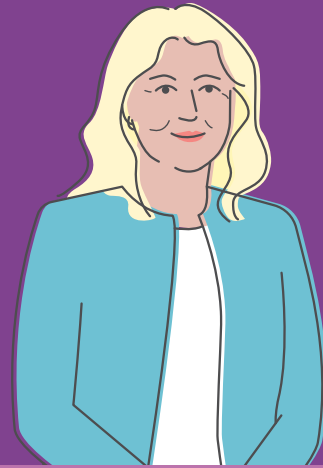
What started out in 2000 as a self-regulated scheme designed for the resolution of electricity disputes between consumers and the suppliers of electricity has grown to the legislatively approved schemes for electricity, gas and broadband under the UDL banner and now includes a voluntary water scheme.

For UDL, change has been the underlying opportunity and challenge - in governance, legislation, our name and the industries covered amongst others. Through it all, UDL has remained dedicated to the underlying principles on which it was formed – accessibility, independence, fairness, accountability, efficiency and effectiveness. These six ‘stakes’ in the ground have been the guiding measure for all change.

The Electricity Complaints Commission grew into the Electricity and Gas Complaints Commission, then Utilities Disputes Ltd. Our previous Commissioners Judi Jones and Nanette Moreau set us out along this journey and our grateful thanks go to them for their mahi and leadership in dispute resolution. Previous board members have also made significant contributions to the growth of the organisation to ensure the schemes make a real difference to people’s lives, especially to those who have benefitted from our services.

The UDL board continues to endorse growth and leadership in utilities disputes prevention, education and resolution. Our services aim to facilitate a strong relationship of trust between consumers and their utility organisations.

The Government is increasingly recognising how we deal with disputes in Aotearoa New Zealand is changing in response to social and other priorities.



There is a desire for quicker, more cost-effective alternatives. We know consumers want more flexibility and less formality, greater accessibility to services, privacy, innovative solutions and empowerment.

This means that the insights and inputs of our Advisory Committees are vital to our work. The Board joins me in thanking our Advisory Committee members for their willingness to support UDL in our drive to lead Aotearoa New Zealand in utilities dispute resolution. My sincere 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 Major Campbell Roberts and welcomed new board member Ruth Smithers and future director Corey Heberd alongside continuing Board members Mark Gatland, Kyle Christensen and Dr Brian McCulloch.

The Board and I also thank the Commissioner, Mary Ollivier and the UDL staff for their dedication and professionalism during a turbulent year, and who continue to make UDL what it is today.

Titiro whakamuri, kōkiri whakamua
Look back and reflect so you can move forward

Hon Heather Roy

Tautohetohe Whaipainga Heamana
UDL Chair

A message from the Commissioner

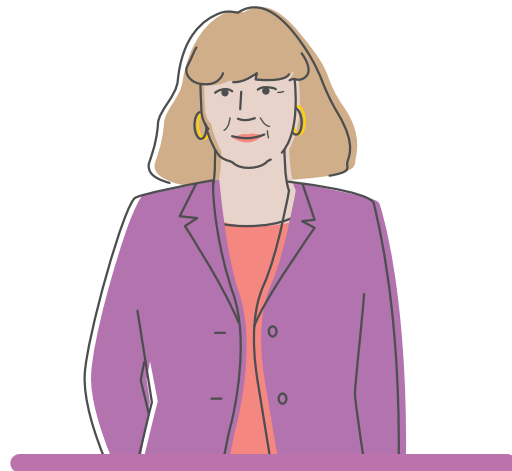
Over the past year, UDL has continued to perform well during an unsettled period of global disruption featuring climate concerns, high inflation, a war in Europe and the third year of a pandemic.

More than two years of hybrid and flexible working arrangements required a shift of mindset and a focus on creating a thriving resilient future, co-designed with our staff. We have focused on organisational and personal resilience, employee attraction and retention, and enduring productivity improvements.

In December 2021, UDL returned to a smaller modern fit for purpose workspace at 22 The Terrace, Wellington. This followed extensive refurbishment and earthquake strengthening work and a year in temporary accommodation. Our decision to create a lesser footprint early in 2020 was timely, as many sectors respond to the climate change imperative and reducing carbon emissions.

UDL has had a significant increase in energy scheme enquiries this year (56% higher than last year), which coincided with the Electricity Authority's code change effective 1 April 2021 requiring members to make UDL's details clear and prominent on relevant information to customers. This was a recommendation from the 2019 Electricity Price Review (EPR) and caused an immediate spike in work that our staff stepped up to.

This year also marks 21 years that we have been resolving complaints, 21 years of helping people and 21 years of working together with providers and consumers to resolve their disputes.



In that time we have had over 47,000 enquiries, resolved over 24,000 complaints and increased our schemes to include water and broadband installation on shared property.

In 2020, we commenced important work to improve our capability and responsibility to uphold Treaty of Waitangi principles and incorporate Te Ao Māori into our day-to-day activities. This work is enriching our processes and continues.

I wish to thank our Chair, Hon Heather Roy and Board members who support us with their expert guidance and support. I thank my team at UDL for their resilience, warmheartedness and professionalism to help people resolve their disputes – our success would not be possible without them.

*Nāu te rourou, nāku te rourou, ka ora ai te iwi
With your food basket and my food basket the
people will thrive*

Mary Ollivier

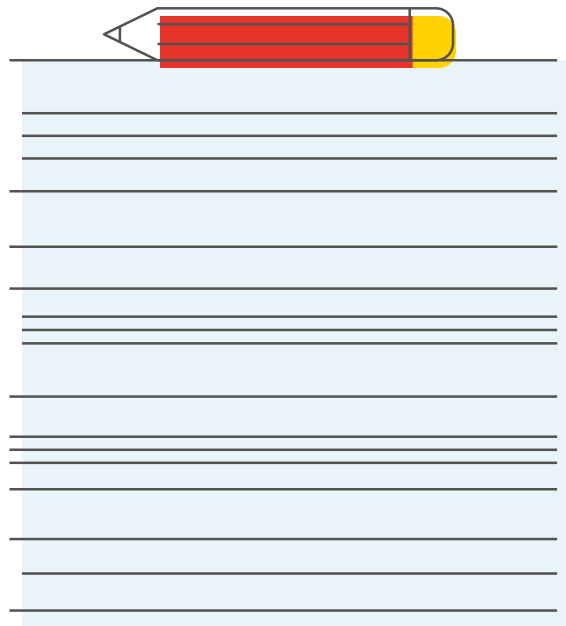
Tautohetohe Whaipanga Kōmihana
UDL Commissioner

The year in numbers

**We are hearing
more from you**

56%

increase in the number
of cases received
compared to last year



17,409

cases were received
in 2021–2022

(11,161 in 2020–2021)

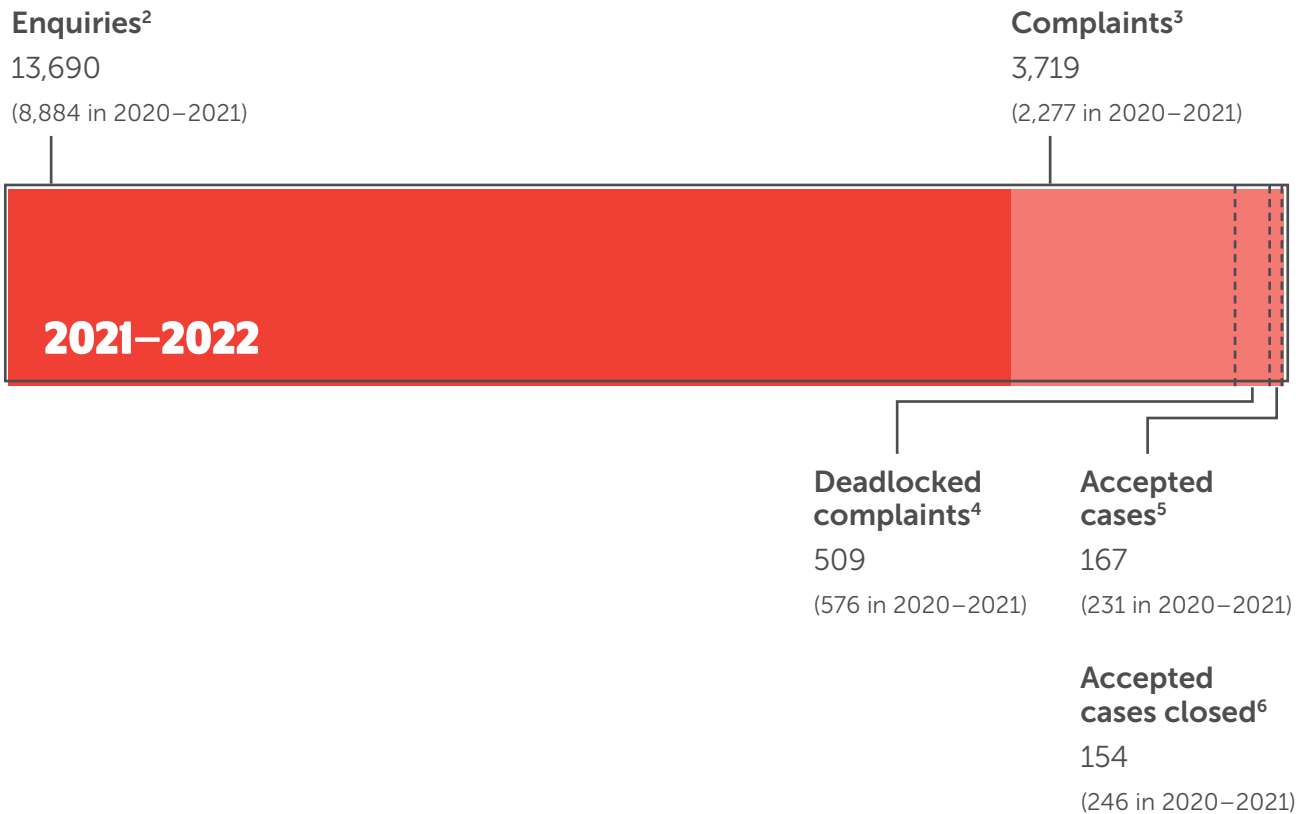
1,326

complaint summaries
were produced on
behalf of consumers
in 2021–2022

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



1 This includes 1053 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.

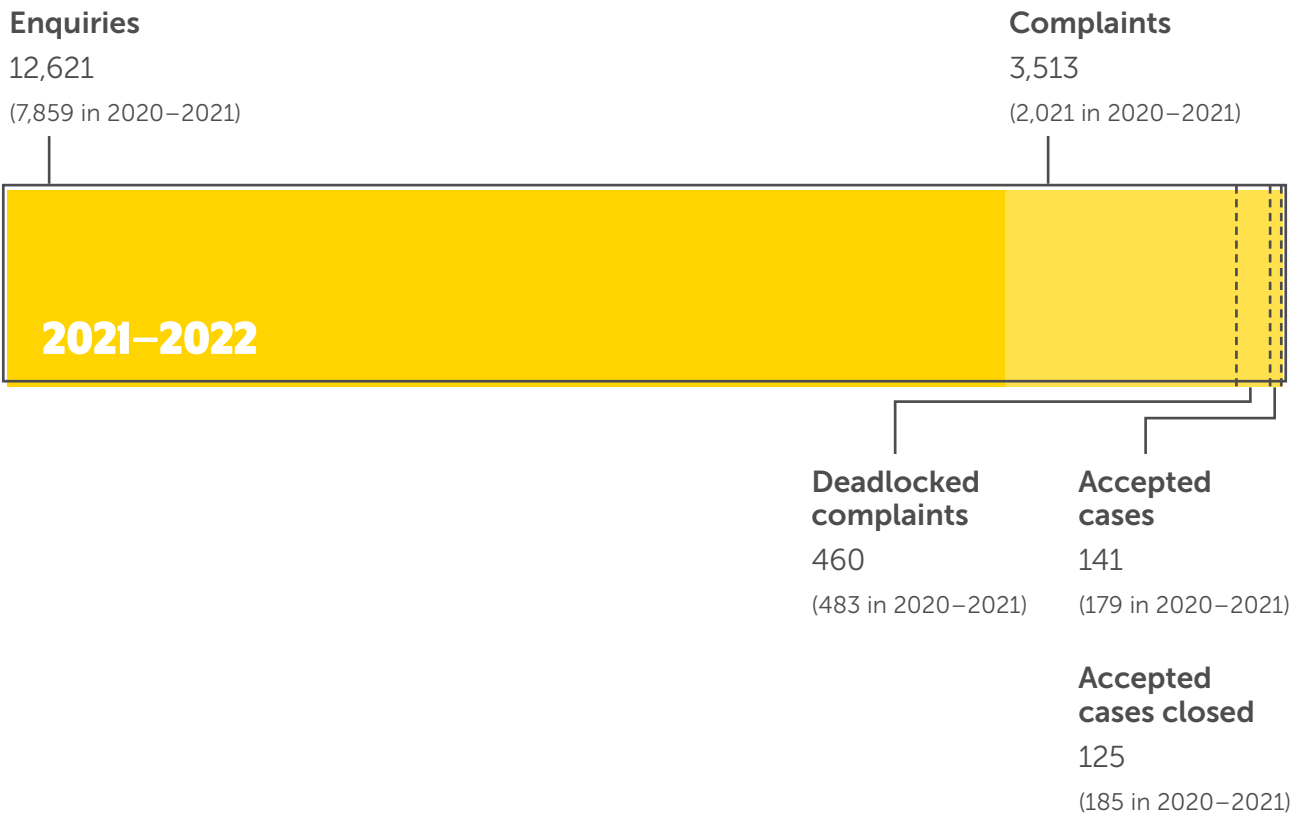
5 These are deadlocked complaints that are accepted as being within jurisdiction and suitable for investigation. If they cannot be resolved, the Commissioner will issue a decision.

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



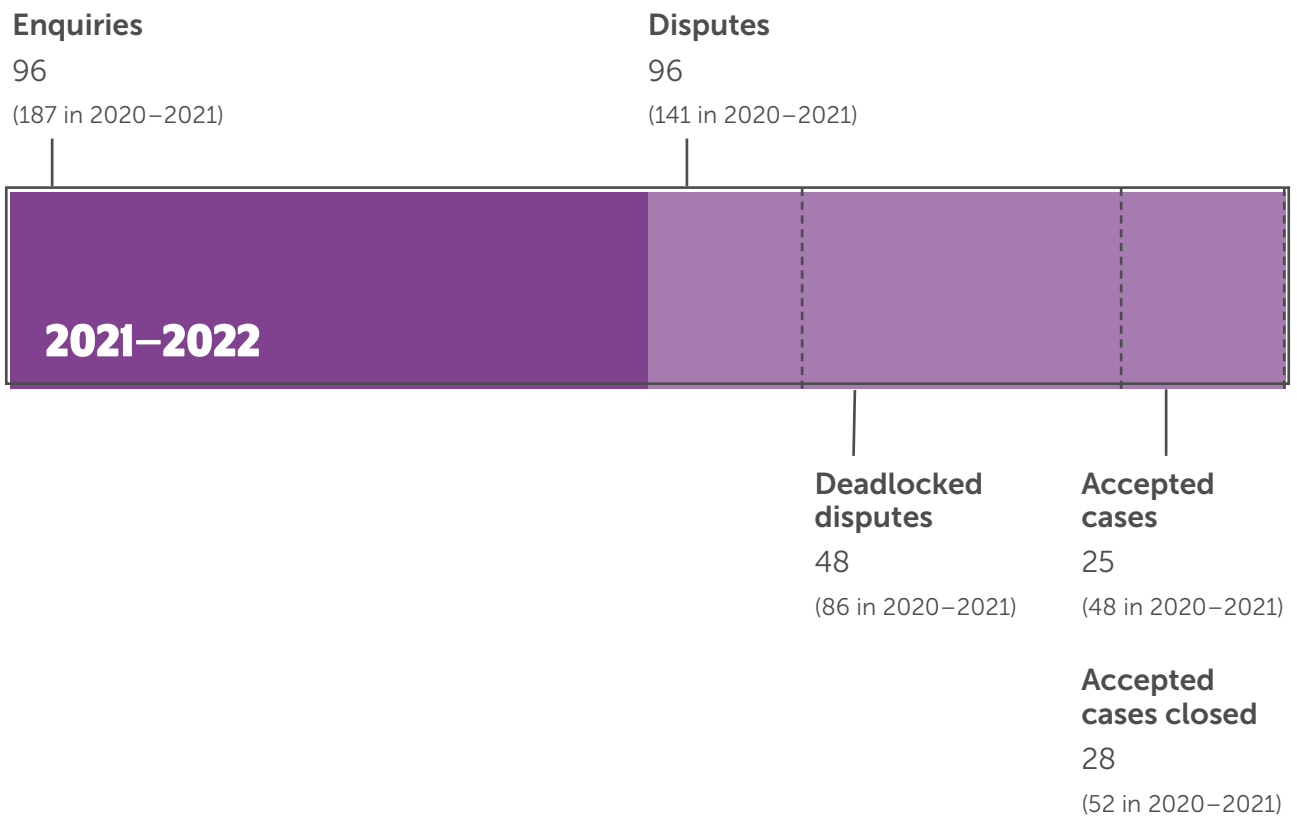
The Energy Complaints Scheme represents 93% of enquiries and complaints received. Energy membership continues to increase. At end of reporting year there are 364 energy scheme members. On average, energy complaints took 43.4 working days to close from date accepted to date closed. There were no compliance issues or systemic issues under the Energy Complaints Scheme to report during the year.



Broadband Shared Property Access Disputes Scheme



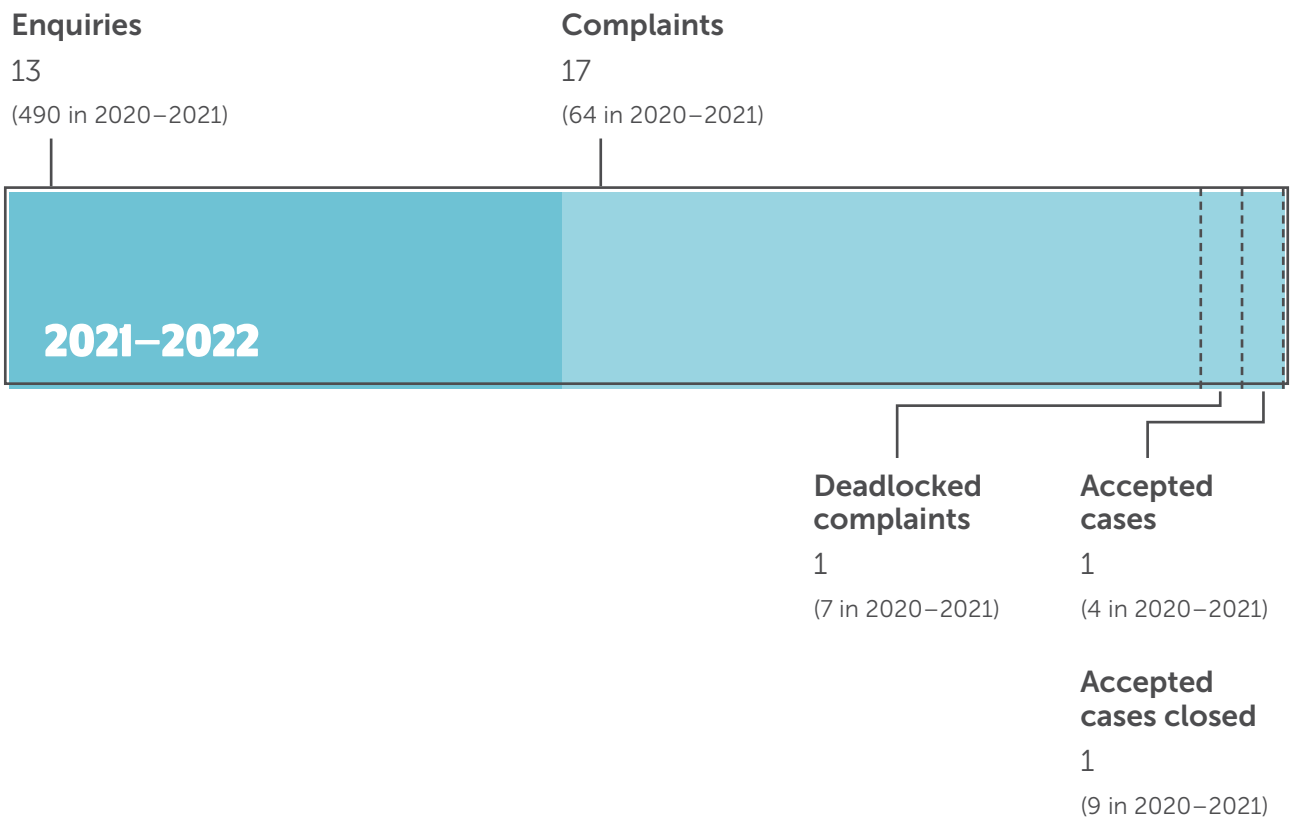
On average, Broadband Shared Property Access Disputes scheme disputes took 37.8 working days to close from date accepted to date closed.



Water



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



Our communities

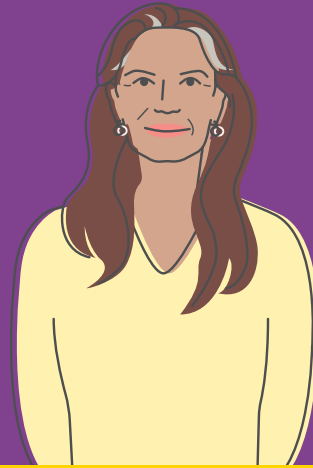
UDL is committed to serving our communities and building authentic and long-lasting relationships with our vulnerable communities and the front-line organisations that serve them.

Access to our services is fundamental for our communities and we can be contacted 8am to 6pm weekdays (5pm on Fridays) and 9am – 4:30pm on Saturdays. People can call us on 0800 22 33 40, email us at info@udl.co.nz or go to our website and use our 'chat' bot (bottom right). We also have a call back request form for people who may not be able to reach us during working hours.

We have a dedicated fulltime Community Engagement Officer, Jessica Niemack, whose focus is engaging with agencies and groups that support vulnerable consumers to ensure those that need us know about us. We know that vulnerable communities are often reluctant to complain and access dispute resolution services.

They will commonly seek assistance from community agencies or support organisations in the first instance. In this past year Jessica has engaged with multiple community organisations and groups. She attends forums aimed at supporting vulnerable members of our community to increase awareness and accessibility of UDL services.

All our engagement, whether out in the community raising awareness or talking with consumers and organisations is about providing a service that supports our communities and promotes accessibility for those who use or will need to use our services in the future.



Jessica Niemack

Tautohetohe Whaipainga Kaitūtakinga
UDL Community Engagement Officer

Te ao Māori journey

UDL's te ao Māori journey continues at pace. Tāwhiao McMaster, our Māori Cultural Advisor is finalising our Māhere Tūtakinga Māori | Māori Engagement Plan which will lead us on our journey.

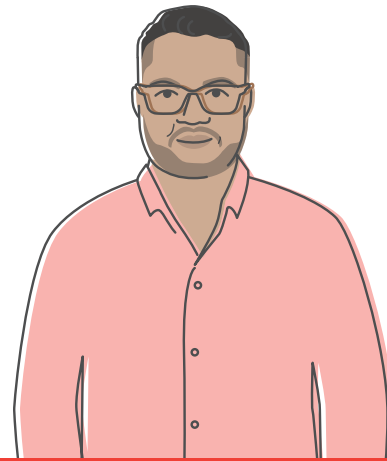
Key to this is our commitment to uphold our Te Tiriti o Waitangi responsibilities. We are using the following principles as our lens to make sure we are here to help. Fundamentally we are looking inward and going backwards as consideration of Te Tiriti principles.

Ngā mātāpono tūtaki | Principles of engagement

There are three fundamental principles of the Treaty. Namely: Partnership, participation, and protection. UDL aims to honour the Treaty by ensuring our engagement strategy revolves around te ao Māori values that reflect these principles and the intention of the Treaty.

1. Whakarangapū partnership | Whakarangapū

Mana Whenua is the principle which defines Māori by the land occupied by right of ancestral claim. It defines tūrangawaewae (a place to stand) and ūkaipō (source of sustenance) the places where you belong, where you count, where you are important, and where you can contribute. Mana whenua is essential for Māori wellbeing. The places Māori find themselves, their strength and energy, are where Māori have mana whenua. Once grounded to the land and home, Māori can participate in society in a positive, productive manner. We are committed to the pursuit of respecting mana whenua.



Tāwhiao McMaster

Tautohetohe Whaipainga Kaiārahi
Tikanga Māori
UDL Māori Cultural Advisor

Whanaungatanga underpins the social organisation of whānau, hapu, and iwi, and includes rights and reciprocal obligations consistent with being part of a collective. It is the principle which binds individuals to the wider group and affirms the value of the collective. Whanaungatanga is inter-dependence with each other and recognises that the people come first. We are committed to embodying whanaungatanga throughout all our Māori engagements.

2. Whakaurunga | Participation

Manaakitanga is the behaviour that acknowledges the mana of others as having equal or greater importance than one's own, through the expression of aroha, hospitality, generosity, and mutual respect. In doing this, all parties are elevated, and our status is enhanced, building unity through humility and the act of giving. We are committed to ensuring that manaakitanga is at the forefront of our engagements with Māori.

Kotahitanga is the principle of unity of purpose and direction. It is demonstrated through the achievement of harmony and moving as one. Our staff are encouraged to work with consumers and providers to resolve the conflict at hand. We are committed to ensuring that unity guides the resolutions we are involved with Māori.

3. Whakamaru | Protection

Rangatiratanga is the expression of the attributes of a rangatira (weaving the people together) including humility, leadership by example, generosity, altruism, diplomacy, and knowledge of benefit to the collective. As an organisation, the importance of walking the talk, following through on commitments, with integrity and honesty is essential. As a people, rangatiratanga is reflected in the promotion of self-determination for Māori, and an expression of the rights defined by mana atua, mana tūpuna, and mana whenua. We are committed to ensuring that the rangatiratanga of Māori is upheld in all engagements with Māori.

Kaitiakitanga embraces the spiritual and cultural guardianship of Te Ao Mārama (“the world of light” or “the enlightened world”) a responsibility derived from whakapapa. Kaitiakitanga entails an active exercise of responsibility in a manner beneficial to our various environments for the welfare of the collective. It promotes the growth and development of the Māori people in all spheres of livelihood so that Māori can anticipate a future of living in good health and in reasonable prosperity. We are committed to promoting and maintaining kaitiakitanga in our engagements with Māori.

Membership

Prevent, Educate, Resolve

UDL's Prevent | Educate | Resolve is the platform on which our strategy revolves. We continue to work with our members providing added value services by sharing data, providing informative webinars with tips that can be immediately put into practice.

Our annual forum is where we 'deep dive' into topical discussion matters that enables attendees to reflect and discuss and most importantly to take away tools to put into practice throughout the year.

[View members](#)

369

members in 2021–2022



364

Energy



3

Broadband
Shared Property
Access Disputes



2

Water

Annual forum and webinars

Our annual forum was held virtually in 2022.

We hosted ten webinars in 2021–2022:

- An interview with the Privacy Commissioner, John Edwards
- CAB present 'Face to face with digital exclusion' report
- Community engagement update
- NZ Consumer Survey 2020 report, MBIE
- Raising awareness of UDL and Powerswitch – Code Changes
- Shine presentation on domestic violence
- Tikanga and dispute resolution
- UDL and Advertising Standards Authority CEO, Hilary Souter
- UDL induction webinar
- What types of complaint can UDL accept?

Feedback from our annual forum and webinars



It was interesting to hear about the four goals of the Consumer Advocacy Council and some of the key issues that have been identified.



Te Tiriti o Waitangi kōrero - excellent analogy of how pūrākau and karakia can be used alongside conflict resolution.

Consumer and member feedback



I am grateful for the outstanding service UDL provides for NZ consumers and retailers. Your staff is nothing short of outstanding!



The conciliator was very open and approached the matter in a way that was fair and reasonable to all parties.



Awesome support and listening to key points of my complaint and concerns.

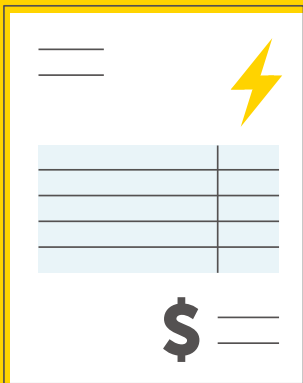


Fantastic service, only one talk with UDL through the phone has helped me solve the problem which annoyed me for more than half a year.



Quick response and very helpful. Thank you!

Jack's power bill



In February 2021, Jack moved into his property and signed up for electricity with Energiser Power (EP). EP sent Jack estimated invoices for over a year. Unfortunately EP underestimated Jack's usage so when EP took an actual read it sent Jack a back bill for just over \$2,000.

EP had tried to read the meter four times during the year but had not been able to access the meter. It emailed Jack on those four occasions saying he might be paying too much for his electricity.

After Jack complained, EP applied a different pricing plan which reduced the bill by \$500. To resolve the complaint it offered Jack a further 30% off the amount and six months to pay. Jack said he would like to accept the offer but needed twelve months to pay. EP withdrew the offer saying the 30% discount had been conditional on Jack accepting the six months time frame.

UDL found the offer to reduce the invoice by 30% was reasonable but denying Jack a further 6 months to pay was not. The Electricity Authority's Consumer Care Guidelines (CCG) require retailers to provide effective assistance to consumers who have difficulties paying their bills. The consumer and the retailer should reach a compromise that is fair and reasonable to balance the consumer's financial needs and the retailer's business needs.

UDL concluded, after reviewing the communication between EP and Jack, EP did not provide effective assistance to Jack. For example, EP asked Jack to contact EP's credit team himself and at the same time said that doing so will unlikely lead to a better outcome.

UDL recommended EP allow Jack 12 months to pay the reduced back bill and pay him \$250 for not following the CCG. Both parties accepted the recommendation and the case was closed.

Marama's objection to fibre installation at her unit



Lightning Fibre (LF) installed fibre in a multi unit complex. Marama owns one of the units. As part of the installation, LF attached the fibre cable to the exterior of Marama's unit. Marama disputes LF had the right to install fibre directly to the outside of her unit because:

- LF did not provide her the required notice
- The unit is her own rather than shared property.

Marama was also unhappy about the quality of the installation.

LF said it accidentally sent notice to an incorrect address about the installation. It believes the exterior of the units was shared property under the Telecommunications Act 2021.

UDL issued an initial decision stating:

- LF remedied the lack of notice by sending a new notice with the details of the installation to Marama
- LF was not entitled to use the exterior of Marama's unit because that part of the exterior was outside of the common area and exclusively owned by Marama
- LF was not entitled to use the exterior of Marama's unit because that part of the exterior was outside of the common area and was exclusively owned by Marama
- It also encouraged the parties to negotiate an outcome they both could live with.

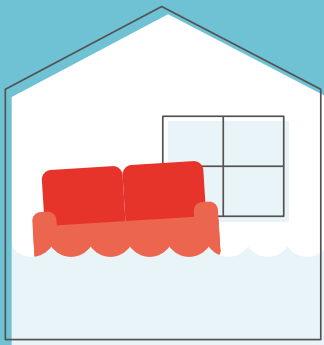
After receiving the preliminary decision LF and Marama agreed to participate in a teleconference facilitated by UDL.

During the teleconference, both parties agreed to work together until they found a workable solution for the installation and the reinstatement of Marama's unit. UDL closed the complaint and explained to Marama that she could come back to UDL if she and LF have any unresolved issues about the reinstatement.

Note:

UDL is the dispute resolution scheme approved by the Telecommunications Act (Act) and can consider objections relating to the statutory right of access to install fibre on shared property.

Burst water pipe at Phil's property



A burst waste water pipe owned by AB Water caused flooding in the downstairs area of Phil's rental property. It caused damage to the house and his tenants' belongings. Phil lodged a claim with his insurance company which accepted the claim with a \$2,000 excess. Phil reimbursed his tenants \$2,750 for damage to their property and waived \$650 worth of rent. The waiver of rental was not covered by his insurance.

AB Water accepted it should pay the \$2,000 insurance excess and offered to pay an additional \$500 towards the tenants. Phil rejected the offer saying he wanted AB Water to pay all of his costs, \$3,400 in addition to the \$2,000.

UDL found the \$3,000 Phil paid to his tenants was based on full replacement value which put the tenants in a better position than they were in before the flood happened. UDL considered the age and condition of the damaged items and recommended \$1,425 to be a reasonable amount for AB Water to contribute towards the tenant's loss.

UDL also considered what, if any, contribution by AB Water towards the rent waiver would be fair and reasonable. Some tenants needed to move out for a short time while the repairs were ongoing and others' enjoyment of the property was significantly impacted. UDL recommended ABC Water pay 50% or \$325 towards the rent Phil waived for the tenants.

Both AB Water and Phil accepted the recommendation and the case was closed.

For the year ended 31 March 2022

Financial summary

All schemes¹

Total cases

17,409

(11,161 in 2020–2021)

Annual levy

4,551,831

(4,558,767 in 2020–2021)

Other income

28,669

(53,162 in 2020–2021)

2021–22

Total income

4,580,500

(4,611,929 in 2020–2021)

Staff related costs

2,812,207

(2,551,359 in 2020–2021)

Other costs

1,144,720

(1,100,204 in 2020–2021)

Depreciation

71,727

(102,690 in 2020–2021)

Operating surplus before tax

551,846

(857,676 in 2020–2021)

2021–22

Total expenditure

4,028,654

(3,754,253 in 2020–2021)

¹ This includes 1053 cases outside the jurisdiction of our schemes.

Energy

Total cases

16,134

(9,880 in 2020–2021)



Annual levy

4,233,003

(4,169,587 in 2020–2021)

Other income

26,661

(48,617 in 2020–2021)



Total income

4,259,664

(4,218,204 in 2020–2021)

Staff related costs

2,576,928

(2,334,493 in 2020–2021)

Other costs

1,066,101

(1,006,687 in 2020–2021)

Depreciation

66,703

(93,961 in 2020–2021)

Operating surplus before tax

549,932

(783,063 in 2020–2021)



Total expenditure

3,709,732

(3,435,141 in 2020–2021)

Broadband Shared Property Access Disputes Scheme

Total cases

192

(328 in 2020–2021)



Annual levy

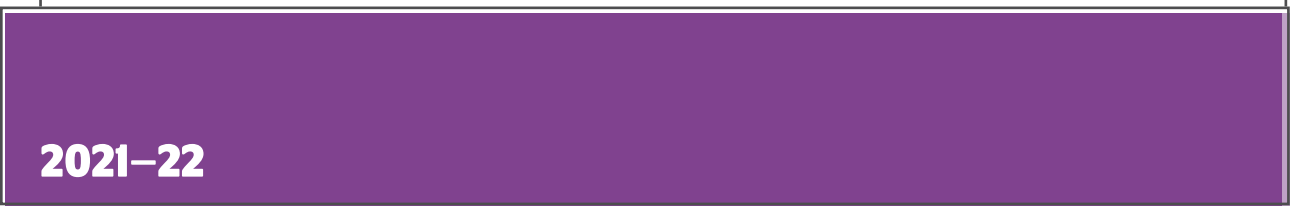
312,000

(361,000 in 2020–2021)

Other income

1,965

(4,226 in 2020–2021)



Total income

313,965

(365,226 in 2020–2021)

Staff related costs

230,903

(201,557 in 2020–2021)

Other costs

76,871

(86,916 in 2020–2021)

Depreciation

4,916

(8,113 in 2020–2021)

Operating surplus before tax

1,275

(68,640 in 2020–2021)



Total expenditure

312,690

(296,586 in 2020–2021)

Water

Total cases

30

(554 in 2020–2021)



Annual levy

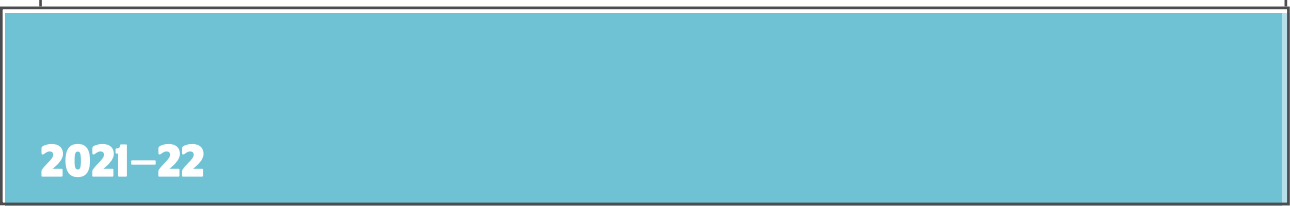
6,828

(28,180 in 2020–2021)

Other income

43

(319 in 2020–2021)



Total income

6,871

(28,499 in 2020–2021)

Staff related costs

4,376

(15,308 in 2020–2021)

Other costs

1,748

(6,601 in 2020–2021)

Depreciation

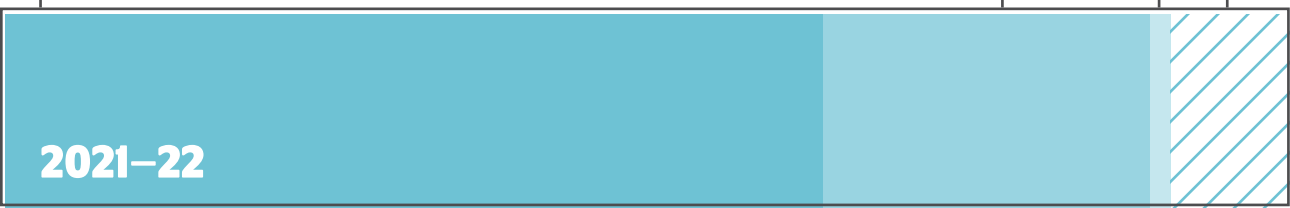
108

(616 in 2020–2021)

Operating surplus before tax

639

(5,973 in 2020–2021)



Total expenditure

6,232

(22,526 in 2020–2021)

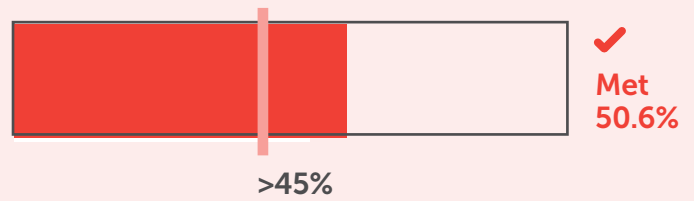
Performance standards

Time to close

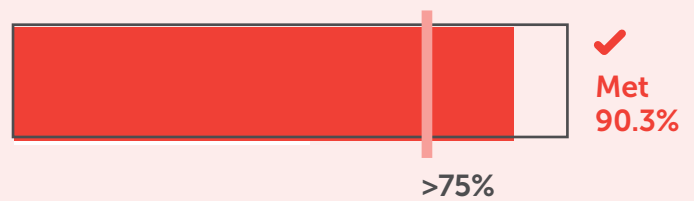
The performance standards of 45% in 30 working days and 75% in 90 working days to close accepted cases were met. At year end, 50.6% of cases were closed in under 30 working days, and 90.3% of cases were closed in under 90 working days. UDL has an internal KPI of closing 90% of cases within 180 working days, and this was met, with 99.4% of cases closed in that timeframe.

Performance standard

>45% DL cases closed in 30 working days



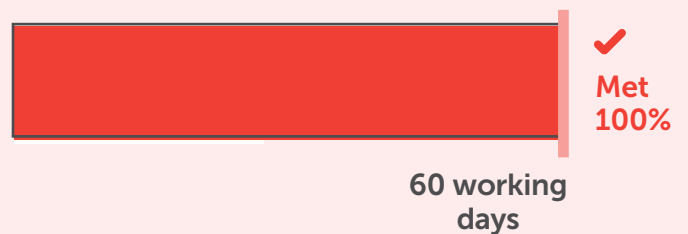
>75% DL cases closed in 90 working days



>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.

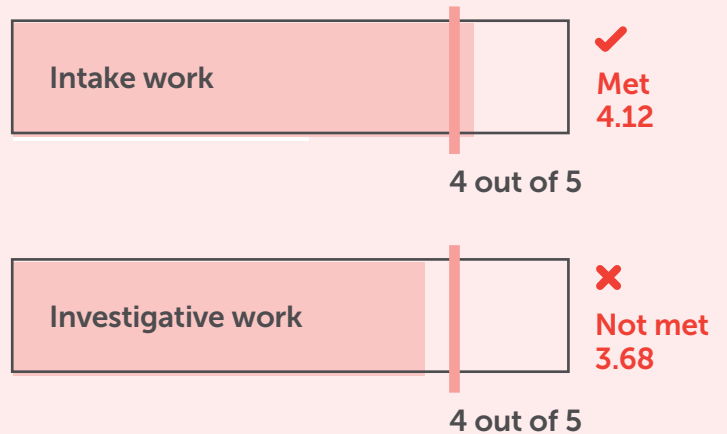
Complainant satisfaction

During the year we improved our feedback forms for complainants and providers. We now survey complainants at the point where a complaint concluded throughout our processes.

The performance standards for complainant satisfaction is separated between Intake work and Investigative work as there are distinct differences in how this work is processed.

Performance standard

Provisional goal reaching an average over 4 out of 5

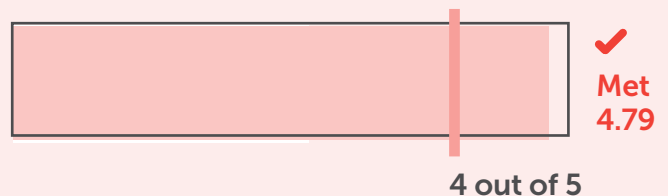


Provider satisfaction

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

Provisional goal reaching an average over 4 out of 5



Awareness and accessibility

The performance standard for awareness and accessibility includes a standard of 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 2020 with results available in 2021. There are no survey results for this year. Last year UDL scored 9% for general awareness.

Performance standard

20% unprompted recognition in general awareness survey

Reporting takes place every two years – not conducted during this reporting period.

Compliance reporting

The Board monitors provider compliance with the Scheme. UDL completed a provider self-review of 75 providers. UDL follows up any instances of reported non-compliance with an educative approach.

Performance standard

Compliance reporting for the Energy Scheme is complete, accurate and on time



✓
Met

**Complete,
accurate
and on time**