



JURISDICTION CHALLENGES

This practice statement tells you

- What a jurisdiction challenge is
- When a provider can challenge our jurisdiction
- How a provider can challenge our jurisdiction
- What successful jurisdiction challenges look like
- What an ineffective jurisdiction challenge looks like
- Who decides if a complaint is in or out of jurisdiction

What is a jurisdiction challenge?

Providers can question the ability of Utilities Disputes to consider complaints. These questions are called jurisdiction challenges.

The jurisdiction of Utilities Disputes is the area where Utilities Disputes can work. There are restrictions to this area set out in the Utilities Disputes Scheme and legislation. If a dispute does not fall within a restriction, Utilities Disputes can work on it.

When can a provider challenge jurisdiction?

A provider can challenge the jurisdiction of Utilities Disputes at any time. A provider usually challenges jurisdiction when we first tell the provider we want to consider a complaint.

How can a provider challenge jurisdiction?

A provider can challenge jurisdiction by:

- calling or emailing the team manager named in the deadlock notification, and
- naming the scheme rules you base your challenge on, and
- providing evidence and information to support your challenge

Successful jurisdiction challenges

If a provider wants to challenge our jurisdiction successfully, the challenge must:

- refer to the relevant scheme rule or rules, and
- provide specific reasons, evidence and further information, and
- demonstrate an understanding of Utilities Disputes' process



Ineffective jurisdiction challenges

Providers often confuse ideas when they ask Utilities Disputes not to look into a complaint. It is not a challenge to our jurisdiction when a provider:

Tells us the complaint is resolved

Utilities Disputes checks the complaint is resolved. If the complaint is resolved, Utilities Disputes closes the file. Utilities Disputes may still look into the complaint if the provider does not do what it agreed to do.

Tells us the complainant agreed to give it more time

Utilities Disputes checks the complainant agrees to give the provider more time. If the complaint is unresolved, Utilities Disputes may look into it.

Has not been able to make contact with a complainant

This is not a challenge to the jurisdiction of Utilities Disputes.

Does not refer to a specific scheme rule or rules

To challenge jurisdiction a provider must rely on a specific scheme rule or rules.

Who decides whether a complaint is in or out of jurisdiction?

The Utilities Disputes Scheme rules say the Commissioner decides if complaints are in or out of jurisdiction. The Commissioner can delegate decisions to team managers. There are three stages to the jurisdiction process.

Stage one

- A provider calls or emails a jurisdiction challenge to a team manager
- The team manager works with a provider to resolve the challenge

Stage two

- If the challenge is unresolved at stage one, a team manager may ask the provider and the complainant for more information
- A team manager will meet with the Commissioner to review this information. The Commissioner will decide, and a team manager will share this with the parties

Stage three

- If the parties do not accept oral communication of the decision, the Commissioner will write a jurisdiction letter
- The parties will have an opportunity to respond