

Time frame for complainants to refer a complaint to Utilities Disputes

Dear Providers,

As you know Utilities Disputes adopted new scheme rules from 1 November 2016. In the previous scheme rules complainants had three months, from the time the complainant knew of the act or failure leading to the complaint, to complain to their provider (B.8.1). Once the complainant was advised by the provider of deadlock, the complainant had two months to complain to the EGCC (B6.3).

The current scheme rules allow complainants 12 months, from the time the complainant knew about the circumstances leading to the complaint, to complain to providers (General Rules 18f). As far as a complainant bringing a complaint to Utilities Disputes, the only specific time limit is six years after the complainant became aware or should have become aware of circumstances giving rise to the complaint (General Rules 15d).

This change aligns Utilities Disputes' practice with that of other industry ombudsman services in New Zealand and Australia.

What does this mean for you?

Before 1 November 2016

If the events giving rise to the complaint (different from B.8.1) occurred before 1 November 2016, the previous Scheme document, and its time frames of three months and of two months, apply. The two-month time frame begins when providers tell complainants the complaint has reached deadlock. If providers fail to advise a complainant about the time frame of two months, the Commissioner may exercise her discretion to consider the complaint.

After 1 November 2016

If the events giving rise to the complaint occurred after 1 November 2016, the current Scheme document applies, with a 12 month and six-year time frame. Providers should tell complainants about Utilities Disputes. When applicable, we expect providers to tell complainants when suspended credit action will commence again.

Encouraging complainants to contact Utilities Disputes as soon as possible

While the new Scheme document removed the time frames for complainants to complain to Utilities Disputes, we will in all of our information to complainants encourage complainants to contact Utilities Disputes as soon as possible. This is because information, and especially parties' recollection of events, is usually more accurate closer to the events that gave rise to them. Providers may wish to note the same to their customers when a complaint arises.

Nanette Moreau
Utilities Disputes Commissioner
13 February 2017