

25 November 2011

Mr Paul Kelly
Chairman GMCCC
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By Email: gmccc@erawa.com.au



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Dear Mr Kelly

ECONOMIC REGULATION AUTHORITY PROPOSED AMENDMENTS TO THE GAS MARKETING CODE OF CONDUCT

Alinta Sales Pty Ltd (Alinta) appreciates the opportunity to comment upon the proposed amendments to the *Gas Marketing Code of Conduct* (the Code) by the Economic Regulation Authority (the Authority).

Alinta is supportive of the Authority's proposed amendments in relation to the Code regarding:

- harmonisation of the Code in relation to the current Western Australian Electricity Code of Conduct; and
- removing those provisions in the Code that are now duplicated in the Australian Consumer Law.

Alinta does however have reservations about the Authority's rejection of the Gas Marketing Code Consultative Committee (GMCCC) recommendation to not alter the definition of marketing within the Code. While Alinta acknowledges that definitional inconsistencies will remain between the higher level legislation and the Code should the term 'marketing' be re-defined, Alinta is principally concerned about the level of obligations that the current definition imposes upon retailers. Retaining the current definition of marketing within the Code will continue to place unnecessary obligations upon retailers when engaging in routine contact with customers, outside of those activities that would be regarded as contract negotiation or variation. It is Alinta's view that Code was never intended to apply to those situations where a retailer is seeking clarification or minor information from a customer.

Alinta also notes that while the Authority's recommendation to change the *Energy Coordination Act 1994* is the optimal solution, this proposed solution may potentially face delay in navigating the legislative process. Alinta urges the Authority to progress changes to the definition of Marketing within the Code as recommended by the GMCCC, despite the short-term inconsistencies that this creates between the Code and the Act.



Should you wish to discuss Alinta's submission in further detail, please call Adam Lourey, Senior Regulatory Analyst on 08 9486 3406.

Yours sincerely



Shaun Ruddy
Manager National Retail Regulation
Alinta Sales Pty Ltd