

Final Decision – New Gas Marketing Code of Conduct 2012

6 February 2012

Economic Regulation Authority

WESTERN AUSTRALIA

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DECISION

Following its consideration of the Gas Marketing Code Consultative Committee (**GMCCC**) 2011 Final Review Report (**final report**), and the final advice provided by the GMCCC on the Authority's proposed amendments to the *Gas Marketing Code of Conduct 2008*, the Authority has decided to make the new *Gas Marketing Code of Conduct 2012* (**Code**).

The Authority has decided to exercise its power under the *Energy Coordination Act 1994* (**Gas Act**) to replace the Code to take effect 1 July 2012. A copy of the new Code is attached (**Appendix 1**).

REASONS

Under section 11ZPM of the Gas Act, the Authority may, in consultation with the committee, approve a code of conduct to regulate and control the conduct of the holders of trading licences and gas marketing agents, with the object of protecting customers from undesirable marketing conduct and defining standards of conduct in the marketing of gas to customers.

Under section 11ZPV of the Gas Act, the GMCCC must carry out a review of the Code as soon as practicable after the first anniversary of its commencement and after the expiry of each 2 yearly interval after that anniversary.

The object of a review is to re-assess the suitability of the provisions of the Code for the purposes of section 11ZPM(2).

The GMCCC final report was delivered to the Authority on 19 September 2011.

The Authority considered the final report and proposed amendments to the Code to the GMCCC for its advice consistent with section 11ZPU of the Gas Act.

The GMCCC, as required by the Gas Act, undertook consultation with interested parties and provided its final advice to the Authority on 22 December 2011 (**Appendix 2**).

The Authority has decided to make one further amendment the Code as a result of considering the GMCCC final advice.

In its decision of 31 October 2011, the Authority proposed that a notation be added to the Code to read:

These are not the only compliance obligations in relation to marketing, other State and Federal laws apply to marketing activities.

The Authority has accepted the GMCCC recommendation to expand the notation to read:

Note: This Code is not the only compliance obligation in relation to marketing. Other State and Federal laws apply to marketing activities, including but not limited to the Australian Consumer Law (WA), the Spam Act 2003, the Spam Regulations 2004, the Do Not Call Register Act, the Telecommunications Industry Standard 2007 and the Privacy Act 1988.

The Authority has determined that the new code will come into effect on 1 July 2012.

LYNDON ROWE
CHAIRMAN

APPENDICES

Appendix 1 Gas Marketing Code of Conduct 2012

Appendix 2 GMCCC Final Advice