

# Decision on the replacement of Alinta Sales Pty Ltd's (t/a Alinta Energy) gas standard form contract

28 February 2013

**Economic Regulation Authority**

WESTERN AUSTRALIA

This document is available from the Economic Regulation Authority's website at [www.erawa.com.au](http://www.erawa.com.au). For further information, contact:

Economic Regulation Authority  
Perth, Western Australia  
Phone: (08) 6557 7900

© Economic Regulation Authority 2013

The copying of this document in whole or part for non-commercial purposes is permitted provided that appropriate acknowledgment is made of the Economic Regulation Authority and the State of Western Australia. Any other copying of this document is not permitted without the express written consent of the Authority.

#### **Disclaimer**

This document has been compiled in good faith by the Economic Regulation Authority (Authority). The document contains information supplied to the Authority from third parties. The Authority makes no representation or warranty, express or implied, as to the accuracy, completeness, reasonableness or reliability of the information supplied by those third parties.

This document is not a substitute for legal or technical advice. No person or organisation should act on the basis of any matter contained in this document without obtaining appropriate professional advice. The Authority and its staff members make no representation or warranty, expressed or implied, as to the accuracy, completeness, reasonableness or reliability of the information contained in this document, and accept no liability, jointly or severally, for any loss or expense of any nature whatsoever (including consequential loss) arising directly or indirectly from any making available of this document, or the inclusion in it or omission from it of any material, or anything done or not done in reliance on it, including in all cases, without limitation, loss due in whole or part to the negligence of the Authority and its employees.

This notice has effect subject to the Competition & Consumer Act 2010 (Cwlth), the Fair Trading Act 1987 (WA) and the Fair Trading Act 2010 (WA), if applicable, and to the fullest extent permitted by law.

Any summaries of the legislation, regulations or licence provisions in this document do not contain all material terms of those laws or obligations. No attempt has been made in the summaries, definitions or other material to exhaustively identify and describe the rights, obligations and liabilities of any person under those laws or licence provisions.

## Decision

1. Pursuant to section 11WF in conjunction with section 11WH of the *Energy Coordination Act 1994 (Gas Act)*, the Economic Regulation Authority (**Authority**) approves the replacement standard form contract for the supply of gas as submitted by Alinta Sales Pty Ltd (t/a **Alinta Energy**).

## Reasons

2. On 4 September 2012, Alinta Energy submitted a replacement gas standard form contract for the Authority's approval.
3. Following an internal review of the privacy and confidentiality clause in its gas standard form contract, Alinta Energy proposed amendments to the clause. According to Alinta Energy, the amendments aim to clarify the position for its customers around privacy and align these privacy provisions across its business with the National Energy Consumer Framework.
4. Feedback was provided to Alinta Energy regarding the proposed amendments and the contract generally. In response to this feedback, Alinta Energy has made further amendments to the contract.
5. In accordance with the Authority's *Public Consultation Guidelines – For Electricity, Gas & Water Licences and Electricity & Gas Standard Form Contracts* (July 2006), the Authority provided a public consultation period of at least 15 business days between 29 November 2012 and 20 December 2012. The Authority received one submission from the Western Australian Council of Social Service (WACOSS).
6. Alinta Energy was invited to respond to the submission received. Taking account of the submission, Alinta Energy proposed some minor additional amendments to the contract.
7. Under the Gas Act, the Authority must not approve a standard form contract if it considers that the contract will not meet the requirements of the regulations in respect of such contracts, or will be inconsistent with the Act or any other written law, or will be inconsistent with any term, condition or provision of the licence concerned.
8. The Authority has considered Alinta Energy's replacement gas standard form contract and is satisfied that the contract meets the requirements of the Gas Act.