



McGill Engineering Services Pty Ltd

Engineering, Adjudication & Arbitration Services ABN 45 106 691 169

Gas system performance audit report Leinster GTL 4 & Coastal Region GTL5 Wesfarmers Kleenheat Gas Pty Ltd

Prepared By Kevan McGill
Date 29 January 2008



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Mr Ian Allison
Technical Services Manager
Wesfarmers Kleenheat Gas Pty Ltd
Campus Drive
(Off Murdoch Drive)
MURDOCH WA 6150

Dear Ian

Performance Audit Gas Trading Licences GTL4 & GTL5

The fieldwork on the performance audit of Gas Trading Licences GTL4 & GTL5 for the period to 31 January 2007 is complete and I am pleased to submit the report to you.

In my opinion, except for matters referred to in the qualification section, the licensee maintained, in all material aspects, effective control procedures in relation to the Trading Licences (GTL4&5) for the period to 31 January 2007 based on the relevant clauses referred to within the scope section of this report.

Yours sincerely

Kevan McGill
Director

29 January 2008

Contents

Contents.....	3
Executive Summary	4
Background.....	4
Overall conclusion.....	4
Qualifications	4
Findings	5
Ratings.....	5
Recommendations	6
Objectives	6
Scope of the audit/review.....	7
1. Risk and materiality assessment.....	7
2. System analysis, assertion setting and review.....	7
3. Fieldwork: testing and analysis	7
Sampling rate.....	7
Scope limitation.....	7
Inherent Limitations.....	8
Audit requirements.....	8
Audit priority	9
Audit Results and Recommendations	10
Clause 7 Obligation to market gas	10
Clause 10 Service standards and information provision	10
Clause 11 Complaints handling process	12
Clause 14 safety awareness program.....	13
Clause 16 financial and technical resources	14
Clause 19 insurance.....	15
Section 11D Energy Coordination Act.....	16
Post Audit Implementation plan	17
Audit Evidence	17
Audit Time.....	18

Executive Summary

Background

Under section 11ZA(1) of the *Energy Coordination Act 1994* (the Act), it is a requirement that every licensee provide the Economic Regulation Authority (*Authority*) not less than once in every period of 2 years with a performance audit conducted by an independent expert acceptable to the *Authority*.

The primary objective of the performance audit is to audit the effectiveness of measures taken by the Licensee to maintain quality and performance standards. Clause 21 of the gas trading licence identifies clauses 7, 10, 11, 14, 16 and 19 of the licence as performance criteria for the purposes of section 11ZA(2)(b) of the Act.

McGill Engineering Services has been engaged to carry out the performance audit for Gas Trading Licences GTL4 and GTL5. The auditor is independent of the licensee.

Overall conclusion

In my opinion, except for matters referred to in the qualification section, the licensee maintained, in all material aspects, effective control procedures in relation to the Trading Licences (GTL4&5) for the period to 31 January 2007 based on the relevant clauses referred to within the scope section of this report. The licensee meets the performance obligations in the licence and a minor improvement in marketing is the only recommendation for the licensee. The *Authority* needs to address the non-availability of the referenced customer service Code.

Qualifications

Control procedures can be enhanced with respect to:

1. For the Leinster area (GTL4) the licensee is not selling gas to small use customers as required by the Act to be a Gas Trader. The Licensee should seek legal advice on the proposed agency agreement with BHP Billiton which on the face of it would allow the Licensee to remain a Gas Trader. The Licensee has to be satisfied that the licence obligations would be met by this arrangement and implement the agreement. Alternatively the Office of Energy could be approached to consider an exemption under section 11H of the Act.

The requirement to satisfy the conditions of the Act is to sell to small use customers (those that consume less than 1 Terra Joule per year). This was raised in the last audit as a concern for GLT4 (Leinster).

The current arrangement is that the licensee sells gas in bulk (broken up to meter readings) to BHP Billiton who would like to charge the consumers for the gas sold. Currently there is no gas trader but if BHP Billiton decides to charge (to avoid FBT for example) means that BHP Billiton would be acting more like a gas trader than the licensee.

Leinster is a BHP Billiton owned town and all buildings within the town and the roads and other infrastructure are owned and maintained by BHP. The occupancy of all consumer premises' is controlled by BHP Billiton as it owns and operates the town and accommodation and who moves in and out of the premises' and when.

The Distribution network and gas supplied through it are solely to serve BHP Billiton its employees and contractors either directly or indirectly.

The actual cost of the gas as invoiced is a commercial arrangement between Kleenheat Gas and BHP Billiton and is lower due to this arrangement than it would be in a normal

market place due to overall volumes associated with the overall business between the two parties involved.

An exemption from having to hold a licence may be an option worth exploring.

It is proposed by the licensee that they and BHP Billiton enter an agreement where BHP Billiton would act as a bill collection agency for the licensee and so permit the licensee to remain as the trader. Subject to legal advice this would seem to overcome the validity issued for this licence. The Office of Energy may consider an exemption under section 11H of the Act.

The Licensee should obtain legal advice to be assured that the proposed agency agreement meets the licence obligations to allow the licensee to remain as the gas trader and implement the agreement or alternatively that an exemption is likely to be provided by the Minister under section 11H. If these actions are not successful then BHP Billiton should more properly hold the licence if they choose to sell gas (directly or indirectly through rents).

Findings

The conclusions of each of the elements of the licence are summarised in the following table. The audit risk as determined for each licence condition is also shown.

Clause	Licence condition	Audit risk assessment	Compliance Rating	
7	Obligation to market gas	4	Compliant	5
10	Service standards and information provision	4	Compliant	4
11	Complaints handling process	4	Compliant	4
14	Customer safety awareness program	2	Compliant	4
16	Financial and technical resources	4	Compliant	5
19	Insurance	2	Compliant	5
S11D(ECA)	Licence	2	Non Compliant	2

ECA Energy Coordination Act 1994

Ratings

The *Authority* guidelines for performance audits¹ require that the audit must provide a table that summarises the compliance rating for each licence condition using the 5-point rating scale described below.

Operational/performance compliance rating scale

Compliance status	Rating	Description of compliance
COMPLIANT	5	Compliant with no further action required to maintain compliance
COMPLIANT	4	Compliant apart from minor or immaterial recommendations to improve the strength internal controls to maintain compliance

COMPLIANT	3	Compliant with major or material recommendations to improve the strength of internal controls to maintain compliance
NON-COMPLIANT	2	Does not meet minimum requirements
SIGNIFICANTLY NON-COMPLIANT	1	Significant weaknesses and/or serious action required

The results are summarised below.

Assessment	Licence conditions	Audit priority 2	Audit priority 4
Compliant 5	5	2	3
Compliant 4	1	0	1
Compliant 3	0		
Non-compliant 2	1	1	
Significantly non compliant 1	0		

Recommendations

1. A more active promotion of gas could increase utilization of the network and direct marketing should be considered. The important decisions are taken at initial purchase of appliances and are very hard to reverse so marketing on sale of land is likely to be more effective.
2. It is important to market to gas fitters of the cost benefit of using LPG and the short payback time for the investment in conversion. The local gas fitters should be reminded periodically of the commercial benefits of conversion.
3. The *Authority* review and produce a customer service standard that is available and in the interim make available on their web site a copy of the referenced Code. Note the ERA currently has a draft Gas Customer Code being discussed with industry representatives and should go out for public comment shortly prior to implementation in lieu of the AG code.
4. The Licensee should obtain legal advice to be assured that the proposed agency agreement meets the licence obligations to allow the licensee to remain as the gas trader and implement the agreement or alternatively that an exemption is likely to be provided by the Minister under section 11H. If these actions are not successful then BHP Billiton should more properly hold the licence if they choose to sell gas (directly or indirectly through rents).

Objectives

The *Energy Coordination Act 1994* requires in s11ZA that a performance audit is carried out not less than once in every period of 24 months (or such longer period as the Authority allows) calculated from the grant of the licence, by an independent expert acceptable to the Authority.

The Act requires that the performance audit is an audit of the effectiveness of measures taken by the licensee to meet —

- (a) the standards referred to in section 11Z; and
- (b) performance criteria specified in the licence.

Section 11Z refers to standards in the *Gas Standards Act 1972* and the standards that may be applicable in this case relate to gas quality and the licence specifies the performance criteria are clauses 7, 10, 11, 14, 16 and 19 of the licence.

Scope of the audit/review

The performance audit covered the period from the issue of the licence up to 31 January 2007. The audit was carried out in accordance with the *Authority* guideline¹ for performance audits which sets out that the audit should be conducted in 3 phases.

1. Risk and materiality assessment

With reference to AS/NZS4360 Risk Management a preliminary assessment was made of the risk and materiality of non-compliance with the required licence conditions in order to focus the audit effort on areas of higher compliance risk and identify areas for testing and analysis.

2. System analysis, assertion setting and review

Through discussion, observation and review, a sample of cases or data was analysed relating to the licensee's quality and performance systems and standards against requirements of the Licence conditions to be audited.

3. Fieldwork: testing and analysis

Using the results of the risk assessment and systems analysis, detailed testing and analysis was performed to compare those standards maintained by the licensee with the relevant clauses of the Licence. During this audit the Perth offices and the Margaret River and Leinster licence operating area were visited. Audit evidence in accordance with ASA 500 was obtained.

The audit is required to review the actions taken in response to recommendations in previous audit/review. In this case this is the first audit and therefore there are no actions to follow up.

Sampling rate

The *Authority's* guidelines allow sampling techniques to be used and the Auditor General has provided guides to valid sampling procedures. A 90% confidence and 10% accuracy regime was chosen as that represents a reasonable balance between accuracy and efficiency. For example, the chosen sampling regime requires 56 samples to be taken from a population of 300 but an alternative 95% confidence and 5% accuracy sampling regime would require 169 samples from a 300 population.

Scope limitation

The audit is limited to the licence conditions listed in Clause 21 of the licence. The Act requires that the relevant licence conditions and the standards in the *Gas Standards Act 1972* be audited. The principal standards that may be relevant are those relating to gas quality. In this case, the licensee as a gas trader has no control over the gas quality which is a responsibility of the gas distributor. Accordingly the requirements about gas quality have been omitted from this audit.

¹ Audit Guidelines: Electricity, Gas and Water Licences, September 2006

Inherent Limitations

Because of the inherent limitations of any internal control structure, it is possible that fraud, error or non-compliance with laws and regulations may occur and not be detected. Further, the internal control structure, within which the control procedures that we have audited operated, has not been audited and no opinion is expressed as to its effectiveness.

An audit is not designed to detect all weaknesses in compliance measures as an audit is not performed continuously throughout the period and the audit procedures performed on the compliance measures are undertaken on a test basis.

Any projection of the evaluation of the operating licences to future periods is subject to the risk that the compliance measures in the plans may become inadequate because of changes in conditions or circumstances, or that the degree of compliance with them may deteriorate.

The audit opinion expressed in this report has been formed on the above basis.

Audit requirements

The *Energy Coordination Act 1994* (the Act) requires a performance audit of the relevant standards in the *Gas Standards Act 1972* and those conditions identified in clause 21 of the licence.

The performance audit was carried out consistent with Section 11ZA(1) of the Act. The auditor has a duty of care to conduct the audit independently and free from bias.

The operational audit is a non-financial compliance audit of the effectiveness of the licensee's measures to maintain any quality and performance standards referred to in its Licence. The performance audit was conducted in a manner consistent with Australian Auditing Standard (AUS) 806 "Performance Auditing" and AUS 808 "Planning Performance Audits".

The key contacts were:

- Licensee
 - Ian Allison
- McGill Engineering Services Pty Ltd
 - Kevan McGill

Compliance with licence conditions was examined according to the likely inherent risk and the adequacy of controls to manage that risk.

Nature of audit work conducted

The *Authority* guidelines for performance audits require that the audit considers:

- a) **Process compliance** - the effectiveness of systems and procedures in place throughout the audit period, including the adequacy of internal controls.
- b) **Outcome compliance** – the actual performance against standards prescribed in the licence throughout the audit period.
- c) **Output compliance** – the existence of the output from systems and procedures throughout the audit period (that is, proper records exist to provide assurance that procedures are being consistently followed and controls are being maintained).
- d) **Integrity of performance reporting** – the completeness and accuracy of the performance reporting to the Authority.

- e) **Compliance with any individual licence conditions** - the requirements imposed on the specific licensee by the Authority or specific issues for follow-up that are advised by the Authority.

Audit priority

The *Authority* guideline for performance audits sets out a rating for audit priority based on inherent risk and existing controls. The following is the assessment of audit priority following the guidelines and the audit plan and as agreed with the licensee.

Item	Licence obligation	Consequence	Likelihood	Inherent Risk	Controls risk requirement	Audit priority	Compliance rating
7	Obligation to market gas	Moderate	Unlikely	Medium	Moderate	4	Compliant - 4
10	Service standards and information provision	Moderate	Possible	Medium	Moderate	4	Compliant - 5
11	Complaints handling process	Moderate	Possible	Medium	Moderate	4	Compliant - 5
14	Customer safety awareness program	Major	Unlikely	High	Strong	2	Compliant - 5
16	Financial and technical resources	Moderate	Possible	Medium	Moderate	4	Compliant - 5
19	Insurance	Major	Unlikely	High	Strong	2	Compliant - 5
S11D ECA	Licence	Major	Unlikely	High	Strong	2	Non Compliant - 2

Audit Results and Recommendations

Clause 7 Obligation to market gas

Licence obligation GTL Clause 7								Compliance rating Compliant - 4	
<p>7. Obligation to market gas The licensee must, to the extent commercially viable, make reasonable endeavours to promote the sale of gas to all small use customers within the licence area.</p>									
Observations									
Process	<input checked="" type="checkbox"/>	Outcome	<input checked="" type="checkbox"/>	Output	<input checked="" type="checkbox"/>	Reporting	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
<p>The licensee markets gas to land developers of the benefits to their sales of having reticulated gas available. Extensions to the system are as a result of developers agreeing to provide pipes and land for bulk supplies. The volume of gas / revenue from sales of gas to small use customers has increased as has the number of small use customers.</p> <p>The <i>Gas Marketing Code of Conduct 2004</i> also applies to the licensee. There have been no complaints about marketing, let alone about marketing practices that would be inconsistent with the Code.</p> <p>In Leinster the number of customers is dictated by the need of the mining operations as it is a mining town. As such mining activity rather than marketing will contribute to growth rather than marketing although the licensee advocates gas for any development of the town.</p>									
Issues									
<p>The extension of the distribution system is an obligation on the distributor and not the gas trader. It is understood that this requirement has been removed from the later licences.</p>									
Recommendations									
<p>A more active promotion of gas could increase utilization of the network and direct marketing should be considered. The important decisions are taken at initial purchase of appliances and are very hard to reverse so marketing on sale of land is likely to be more effective.</p> <p>It is important to market to gas fitters of the cost benefit of using LPG gas and the short payback time for the investment in conversion. The local gas fitters should be reminded periodically of the commercial benefits of conversion.</p>									
Management Actions									
<p>Direct marketing to prospective land purchasers will be investigated and a program of periodically reminding gas fitters of the benefit of gas be implemented.</p>									

Clause 10 Service standards and information provision

Licence obligation GTL Clause 10								Compliance rating Compliant – 5	
<p>10. Service standards and information provision</p> <p>(1) Subject to subclause (2), the licensee must use its best endeavours to maintain a level of customer service (including the provision and treatment of information) at</p>									

- least consistent with the customer service code, except where the Chairman permits otherwise.
- (2) Except as expressly provided under the licence, the customer service code does not apply to the licensee and, to the extent of any inconsistency, a provision of the licence prevails over a provision of the customer service code.
 - (3) Without limiting subclause (1), the licensee must
 - (a) make available to the Chairman a copy of the Customer Charter ('customer charter') it prepares under the customer service code; and
 - (b) include in the customer charter at least a statement of the general principles upon which it will provide services to its small use customers.
 - (4) Subclause (3) does not create a duty upon the licensee to comply with any provision of the customer charter, nor does it provide any person with a legally enforceable right or cause of action in relation to or associated with any provision of the customer charter.
 - (5) Without limiting the generality of the customer service code, the licensee must make available to its small use customers on request the following information, whether as part of its customer charter or otherwise:
 - (a) any information required to be made available to the small use customer under the standard customer contract, in the manner required by the standard customer contract;
 - (b) the information required to be provided under clause 2.1.2.1 of the customer service code;
 - (c) a summary of key relevant provisions of the customer service code, together with information required by clause 1.3.4 of the customer service code regarding changes to the code;
 - (d) a summary of the licensee's key relevant powers in the event of an emergency; and
 - (b) a summary of the licensee's processes for handling enquiries and complaints.
 - (6) The licensee must provide to each small use customer either on or before the date of the first bill either:
 - (a) the information specified in subclause (5); or
 - (b) a list of the information available on request under subclause (5).
 - (7) The licensee must at its own expense make available a copy of the terms of the standard customer contract to any small use customer or prospective small use customer who requests them.
 - (8) If any variation to the licence changes the terms of the standard customer contract, the licensee must within a reasonable time provide a copy of the changed terms to each affected small use customer.
 - (9) The licensee may comply with subclause (8) by including a copy of the changed terms in each affected small use customer's next gas invoice.
 - (10) The licensee may request the Chairman to approve a code ('alternative code') in substitution for the AGA code (or for a code previously approved under this clause), and the Chairman may approve the alternative code.
 - (11) If the customer service code is not the AGA code, a reference in these terms and conditions to a numbered clause of the customer service code is to be read as a

reference to the provision (if any) in the customer service code that corresponds to the clause in the AGA code with the same number.									
Observations									
Process	<input checked="" type="checkbox"/>	Outcome	<input checked="" type="checkbox"/>	Output	<input checked="" type="checkbox"/>	Reporting	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
<p>The licensee is to maintain customer service standards that are at least consistent with the customer service standards in the AGA customer service code.</p> <p>The licence requires that the licensee makes available to the <i>Authority</i> a customer service charter that the licensee produces under the customer service code. A customer service charter has been produced and submitted to the <i>Authority</i>.</p> <p>Code clause 2.1.2.1 requirements are covered in the standard form contract and customer service charter. The complaints handling process is summarised in the customer service charter.</p> <p>The package of information that is issued to prospective customers complies with the above requirements.</p> <p>Summary of powers in event of emergency are given in various places such as the standard form contract and customer service charter.</p> <p>There have been no changes to licence condition to form an opinion about compliance with communication requirements for changes.</p> <p>The licensee has a process where bills can be paid by Centrepay for Centrelink benefit customers on request but does not advertise that this option is available.</p>									
Issues									
The referenced code is out of production and hard to obtain. It is not good regulatory practice to refer to a standard that is not available. However, the licensee has a copy of the Code. Note the ERA currently has a draft Gas Customer Code being discussed with industry representatives and should go out for public comment shortly prior to implementation in lieu of the AG code.									
Recommendations									
The <i>Authority</i> review and produce a customer service standard that is available and in the interim make available on their web site a copy of the referenced Code.									
Management Actions									
Not applicable.									

Clause 11 Complaints handling process

Licence obligation GTL Clause 11	Compliance rating Compliant – 5
<p>11. Complaints handling process</p> <p>(1) The licensee must:</p> <p>(a) develop and within 3 months after the date of grant lodge with the Chairman a copy of; and</p> <p>(b) thereafter be in a position to implement when needed, a process ('complaints handling process') for dealing with complaints against the</p>	

licensee arising out of the licensee's activities the subject of the licence by:									
(c) a small use customer;									
(d) a prospective small use customer; or									
(e) a person occupying premises directly affected by the activities.									
(2) Without limiting clause 10(1), the complaints handling process must comply with clause 2.5 of the customer service code.									
Observations									
Process	<input checked="" type="checkbox"/>	Outcome	<input checked="" type="checkbox"/>	Output	<input checked="" type="checkbox"/>	Reporting	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
A complaint handling process has been developed and submitted to the <i>Authority</i> . There have been no complaints to form an opinion about compliance with complaint handling process. The complaints handling process is summarised in the customer service charter.									
Issues									
None									
Recommendations									
None									
Management Actions									
Not applicable.									

Clause 14 safety awareness program

Licence obligation GTL Clause 14	Compliance rating Compliant – 5
14. Customer safety awareness program	
(1) The licensee is to lodge with the Chairman within 3 months after the date of grant, a customer safety awareness program in accordance with subclause (3).	
(2) The licensee must consult with the Chairman when preparing the customer safety awareness program.	
(3) The customer safety awareness program is to communicate information to small use customers regarding safety in the use of gas and must address, at a minimum, provision of the following information to small use customers:	
(a) information on the properties of gas relevant to its use by small use customers;	
(b) a notice of the requirement for proper installation and use of approved appliances and equipment;	
(c) a notice of the requirement to use only qualified tradespersons for gas connection and appliance and equipment installation;	
(d) the proper procedure for the reporting of gas leaks or appliance or equipment defects; and	
(e) safety procedures to be followed and the appropriate telephone number to	

call in case of emergency.									
Observations									
Process	<input checked="" type="checkbox"/>	Outcome	<input checked="" type="checkbox"/>	Output	<input checked="" type="checkbox"/>	Reporting	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
<p>A customer safety awareness plan has been developed and submitted to the <i>Authority</i>. The customer safety awareness plan contains the required elements.</p> <p>The required safety information is also summarised for the customers in the customer service charter and the customer service charter is provide to prospective customers. A sample of the information provided to prospective customers has been examined and complies with the requirements.</p>									
Issues									
None									
Recommendations									
None									
Management Actions									
Not applicable.									

Clause 16 financial and technical resources

Licence obligation GTL Clause 16						Compliance rating Compliant – 5			
16. Financial and technical resources									
(1) The licensee must have and continue to have financial and technical resources sufficient to meet current and reasonably foreseeable obligations that might arise in relation to its activities the subject of the licence.									
(2) The licensee must ensure that its employees, agents and subcontractors are competent persons.									
(3) The licensee must:									
(a) within 2 weeks after receipt of a written request by the Chairman provide to the Chairman written evidence, as reasonably specified by the Chairman, that the licensee maintains the financial and technical resources required under this clause; and									
(b) notify the Chairman immediately of a significant reduction (or proposed reduction) in the licensee’s financial or technical resources that would, in the licensee’s reasonable opinion, materially inhibit the performance of the current and reasonably foreseeable obligations that may arise in relation to its activities the subject of the licence.									
Observations									
Process	<input checked="" type="checkbox"/>	Outcome	<input checked="" type="checkbox"/>	Output	<input checked="" type="checkbox"/>	Reporting	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
The licensee is owned by a large listed public company with very significant assets. The licensee’s financial resources are appropriate for its operations. The turnover and profit increased from the previous financial year. A report by Ernst and Young supports the									

financial viability. The technical resources are both employed and contracted to competent gas fitters. The performance measures for the contract are appropriate.
Issues
None
Recommendations
None
Management Actions
Not applicable

Clause 19 insurance

Licence obligation GTL Clause 19	Compliance rating Compliant - 5								
<p>19. Insurance</p> <p>(1) The licensee must, for the duration of the term, have:</p> <ul style="list-style-type: none"> (a) adequate property insurance against damage, loss, or destruction to property required by the licensee to conduct its activities the subject of the licence; and (b) adequate liability insurance against loss, damage, death, or injury to the property or personnel of the licensee and the public, in connection with, arising out of or related to its activities the subject of the licence. <p>(2) The licensee is to provide the Chairman, upon request, details of insurance coverage in terms of:</p> <ul style="list-style-type: none"> (a) the currency of insurance; (b) the amount insured; (c) the activities insured; and (d) any other details reasonably required by the Chairman. <p>(3) The Chairman may wholly or partially waive compliance with this clause if he or she is satisfied that the licensee has made:</p> <ul style="list-style-type: none"> (a) adequate alternative arrangements; (b) accepts the licensee as a self insurer; or (c) considers that there are other sufficient reasons for doing so. 									
Observations									
Process	<input checked="" type="checkbox"/>	Outcome	<input checked="" type="checkbox"/>	Output	<input checked="" type="checkbox"/>	Reporting	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
The licensee has appropriate insurance cover and the certificates of currency have been sighted. DAC Syndicate 0386 (London) - 80% and Wesfarmers Risk Management 20% provide the cover including, public and products liability (\$20,000,000).									

Issues
None
Recommendations
None
Management Actions
Not applicable.

Section 11D Energy Coordination Act

Licence validity Energy Coordination Act 1994 s11D	Compliance rating Non Compliant - 2								
<p>11D. Classification of licences</p> <p>(1) Licences are classified as follows —</p> <p>(a) distribution,</p> <p>or</p> <p>(b) trading, which authorises the licensee to sell to small use customers gas transported through a distribution system.</p>									
Observations									
Process	<input checked="" type="checkbox"/>	Outcome	<input checked="" type="checkbox"/>	Output	<input checked="" type="checkbox"/>	Reporting	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
<p>The requirement to satisfy the conditions of the Act is to sell to small use customers (those that consume less than 1 Terra Joule per year). This was raised in the last audit as a concern for GLT4 (Leinster).</p> <p>The current arrangement is that the licensee sells gas in bulk to BHP Billiton who would like to charge the consumers for the gas sold. Currently there is no gas trader but if BHP Billiton decides to charge (to avoid FBT for example) means that BHP Billiton would be acting more like a gas trader than the licensee.</p> <p>Leinster is a BHP Billiton owned town and all buildings within the town and the roads and other infrastructure are owned and maintained by BHP. The occupancy of all consumer premises' is controlled by BHP Billiton as it owns and operates the town and accommodation and who moves in and out of the premises' and when.</p> <p>The Distribution network and gas supplied through it are solely to serve BHP Billiton its employees and contractors either directly or indirectly.</p> <p>The actual cost of the gas as invoiced is a commercial arrangement between Kleenheat Gas and BHP Billiton and is lower due to this arrangement than it would be in a normal market place due to overall volumes associated with the overall business between the two parties involved.</p> <p>An exemption from having to hold a licence may be an option worth exploring.</p>									
Issues									
<p>It is proposed by the licensee that they and BHP Billiton enter an agreement where BHP Billiton would act as a bill collection agency for the licensee and so permit the licensee to remain as the trader. Subject to legal advice this would seem to overcome the validity issued for this licence. The Licensee has to be satisfied that this would meet the</p>									

<p>obligations of the licence and could proceed along these lines if satisfied.</p> <p>Alternatively the Licensee could approach the Office of Energy to consider an exemption under section 11H of the Act.</p>
<p>Recommendations</p>
<p>The Licensee should obtain legal advice to be assured that the proposed agency agreement meets the licence obligations to allow the licensee to remain as the gas trader and implement the agreement or alternatively that an exemption is likely to be provided by the Minister under section 11H. If these actions are not successful then BHP Billiton should more properly hold the licence if they choose to sell gas (directly or indirectly through rents).</p>
<p>Management Actions</p>
<p>Implement the proposed agency agreement if satisfied that it meets the licence obligations or obtain an exemption from the Minister via the Office of Energy in accordance with Section 11H of the Act.</p>

Post Audit Implementation plan

Item	Action	Responsible	When
1	Direct marketing to prospective land purchasers will be investigated and a program of periodically reminding gas fitters of the benefit of gas be implemented.	Technical Services Manager	June 2008
2	Implement the proposed agency agreement if satisfied that it meets the licence obligations or obtain an exemption from the Minister via the Office of Energy in accordance with Section 11H of the Act.	Technical Services Manager	June 2008

Audit Evidence

The following evidence was gathered for the audits and asset management system review.

1. Legislation and standards
 - *Energy Coordination Act 1994*
 - *Gas Standards Act 1972*
 - *Gas Standards (Gas Supply and System Safety) Regulations 2000*
 - *AG 755 1998 Natural Gas Customer Service Code*
 - Auditing and Assurance handbook
 - Gas Distribution Licences 4 and 5
 - Gas Trading Licences 4 and 5

2. Licensee's documents
 - Annual report for balance sheets and financial indicators

- Financial report by Ernst and Young
- Gas quality samples
- Prospective customers package
- Maintenance procedures
- Emergency response plans
- Customer safety awareness program
- Hazard identification and risk assessment procedures
- Customer service charter
- Standard form contract
- Complaints handling system
- Certificate of insurance currency
- Samples of marketing information - sighted
- Notices of completion
- Annual information returns
- Plans of coastal region reticulation
- Bulk refill records
- Audit of inspection plan
- Type B installation guidelines
- Asset register for Coastal (Margaret River) region and Goldfields-Esperance (Leinster) region

Audit Time

The audits and asset management review were undertaken by Kevan McGill and took approximately 118 hours aggregate for all 3 reviews.